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No. 19]

NEW DELHI, SATURDAY, MAY 6, 1972/VAISAKHA 16, 1894

इस भाग में भिन्न पृष्ठ सख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

भ.ग. —खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) and by Central Authorities (other than the
Administration of Union Territories.)

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 20th April 1972

S.O. 1034.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the management of Birhnipat Bauxite Mine of Messrs Hindustan Aluminium Corporation, Post Office Richughuta, District Palamau (Bihar) and their workmen, which was received by the Central Government on the 11th April, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1), DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 3 of 1970

PARTIES:

Employers in relation to the management of Birhnipat Bauxite Mine of Messrs Hindustan Aluminium Corporation, Post Office Richughuta, District Palamau (Bihar).

AND

Their Workmen.

PRESENT:

SHRI A. C. SEN,
Presiding Officer.

APPEARANCES:

For the employers—Shri S. S. Kapur, Advocate with Shri D. A. Sarupria, Agent of Mines.

For the Workmen:—Shri S. Das Gupta, Advocate with Shri Mahavir Ram Verma, Joint Secretary.

STATE: Bihar.

INDUSTRY: Bauxite.

Dhanbad, dated the 6th April 1972

AWARD

The present reference arises out of Order No. 10/31/70-LR-IV dated New Delhi, the 3rd December, 1970 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:

“Whether the management of Birhnipat Bauxite Mine of Hindustan Aluminium Corporation, Post Office Richughuta, Distt. Palamau (Bihar) were justified in denying employment to 114 workmen out of the 218 workmen of ex-contractor of the said Mine on reopening and resuming of work with effect from 8th March, 1970 under the Company's own Management? If not, to what relief the said workmen are entitled?”.

2. Written statement were filed by both the parties but it is not necessary to refer the written statement and to decide the dispute on merits because it has been settled by the parties out of Court. A petition of compromise was filed on 6th April, 1972. I have gone through the said petition of compromise and I think

that the terms and conditions contained in the said petition of compromise are quite reasonable and I do not find any reason why the terms and conditions should not be accepted. I accordingly hold that the present case should be disposed of on the basis of the terms and conditions contained in the said petition of compromise and I award accordingly. The petition of compromise shall form part of the award. Let a copy of this award be forwarded to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) A. C. SEN,
Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) DHANBAD

REFERENCE No. 3 OF 1970

PARTIES:

Employers in relation to the management of
Birhnipat Bauxite Mine.

AND

Their Workmen.

Joint petition of compromise

Both the parties beg to submit as follows:

(1) That the above reference has been fixed for hearing today the 6th April, 1972.

(2) That the parties have negotiated and amicably settled the dispute on the following terms and conditions:

Terms of Settlement

(i) That the management agrees to take into permanent employment 75 workmen concerned in this reference whose names are appended herewith in the list attached as Annexure 'A' at their Maidanpat and Birhnipat Bauxite Mines from 1st May, 1972 provided they report for such work by 30th April, 1972.

(ii) That it is agreed by both the parties that out of the aforesaid total of 75 workmen the first 45 (Sl. No. 1 to 45) in the list would be taken as miners and the remaining 30 as mazdoors.

(iii) That the union agrees to drop the dispute in respect of all other workmen in this case and also to withdraw the Writ Petition filed before the Hon'ble Patna High Court in respect of 218 workmen.

(iv) That the Union agrees that all workmen concerned in this case as well as those in the said Writ Petition have no further claims whatsoever on

(v) That the management agrees to withdraw the complaint cases filed under the Mines Act against some of concerned workmen.

(vi) That the parties will bear their own casts.

It is therefore prayed that your Honour may be graciously pleased to accept this compromise as fair and reasonable and to pass an award accordingly.

And for this your petitioners shall ever pray.

For employers

(Sd.) D. A. SARUPRIA,
Agent of Mines.

For Workmen

MAHAVIR RAM VERMA,
Joint Secretary,
R.D.B.C.C.M.E. Union.

DHANBAD:

Dated, the 6th April, 1972.

ANNEXURE 'A'

List of Workmen

Sl. No.	Name	Father's Name
1.	Sri Mahadeo Uraon	Sri Rantnu Uraon
2.	" Mangru Uraon	" Lohara Uraon
3.	" Mitku Uraon	" Budua Uraon
4.	" Nandi Uraon	" Budhua Uraon
5.	" Sani Uraon	" Lakho Uraon
6.	" Kotho Uraon	" Puna Uraon
7.	" Sahadeo Mahato	" Deharoo Mahato
8.	" Sukra Mahali	" Jauroo Mahali
9.	" Khadia Uraon	" Mange Uraon
10.	" Dhani Uraon	" Bhondo Uraon
11.	" Dhuri Manjhi	" Bahuran Manjhi
12.	" Narayan Oraon	" Sukhdeo Oraon
13.	" Bipta Oraon	" Taje Oraon
14.	" Rohman Bhagar	" Mangra Oraon
15.	" Laldeo Bhagar	" Mangra Oraon
16.	" Lahasu Mahali	" Karmu Mahali
17.	" Sukara Oraon	" Rupu Uraon
18.	" Bodhe Oraon	" Etwa Oraon
19.	" Ganga Mahali	" Jauru Mahali
20.	" Nirmal Mistry	" Bhupan Mistry
21.	" Bhaiya Ram Malah	" Jauru Mahali
22.	" Biriya Oraon	" Charwa Oraon
23.	" Suki Oraon	" Punna Oraon
24.	" Mangara Oraon	" Vudhram Oraon
25.	" Bangay Oraon	" Lunda Oraon
26.	" Tewari Oraon	" Bhaua Uraon
27.	" Bigu Uraon	" Bandhan Uraon
28.	" Chuya Singh	" Rengta Singh
29.	" Aghanu Uraon	" Thakru Uraon
30.	" Etwa Uraon	" Bahna Uraon
31.	" Karma Uraon	" Mangra Uraon
32.	" Brijmali Uraon	" Suknu Uraon
33.	" Lahasu Manjhi	" Mangra Manjhi
34.	" Goyendra Uraon	" Budhua Uraon
35.	" Basudeo Mahali	" Sanicharwa Mahali
36.	" Kinu Singh	" Khoyena Singh
37.	" Burna Uraon	" Fagua Uraon
38.	" Balesar Uraon	" Desai Uraon
39.	" Budu Uraon	" Khudi Uraon
40.	" Sukhu Uraon	" Surtha Uraon
41.	" Faudari Uraon	" Ropna Bhagar
42.	" Etwa Bhagar	" Saniya Bhagar
43.	" Lachman Bhagar	" Not known
44.	" Atwa Mistri	" Mangru Mistri
45.	" Some Uraon	" Chamu Uraon
46.	" Chamaru Uraon	" Sahadeo Uraon
47.	" Ratiya Bhagar	" Lido Bhagar
48.	" Kaila Bhagar	" Mangra Uraon
49.	" Mangal Mistri	" Badari Mistri
50.	" Budhua Uraon	" Rama Uraon
51.	" Mangra Uraon	" Chamaru Uraon
52.	" Balgovind Mistri	" Jhalu Mistri
53.	" Bifai Uraon	" Chura Uraon
54.	" Bishun Uraon	" Budhram Uraon
55.	" Bari Uraon	" Biriya Uraon
56.	" Mahesh Uraon	" Lonad Uraon
57.	" Chumnu Uraon	" Ropna Uraon
58.	" Birshu Uraon	" Maru Uraon
59.	" Biri Uraon	" Narsingh Uraon
60.	" Sukar Mistri	" Somra Mistri
61.	" Sukra Uraon	" Bhakru Uraon
62.	" Jitna Mahato	" Mithua Mahato
63.	" Sukaru Uraon	" Jaina Uraon
64.	" Sukra Uraon	" I kan Uraon
65.	" Sukara Uraon	" Not known
66.	" Suku Uraon	" Sardhu Uraon
67.	" Sukru Uraon	" Budhram Bhagar
68.	" Sukhram Uraon	" Marwari Uraon
69.	" Punna Uraon	" Mahadeo Uraon
70.	" Jitbahan Uraon	" Heta Uraon
71.	" Sudhram Uraon	" Sohraj Uraon
72.	" Sudhu Bhagar	" Saniya Bhagar

Sl. No.	Name	Father's Name
73.	Shri Kanu Bhagat	Shri Thakru Bhagat
74.	„ Bandey Bhagat	„ Budhu Bhagat
75.	„ Mange Uraon.	„ Not known.

For Employers

(Sd.) D. A. SARUPRIA,
Agent of Mines

For Workmen

(Sd.) MAHAVIR RAM VERMA,
Joint Secretary,
R.D.B.C.C.M.E. Union.

[No. 10/31/70/-LRIV.]

New Delhi, the 22nd April, 1972

S.O. 1035.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad (No. 3), in the industrial dispute between the employers in relation to the management of Madhuband Colliery, Post Office Nudkhurkee, District Dhanbad, and their workmen, which was received by the Central Government on the 20th April, 1972.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(NO. 3) AT DHANBAD**

REFERENCE No. 38 OF 1970

PRESENT:

B. S. Tripathi—Presiding Officer.

PARTIES:

Employers in relation to the Madhuband Colliery.

Vs.

Their workmen.

APPEARANCES:

For employers.—Sri S. S. Kapoor, Advocate.

For workmen.—Sri J. D. Lal, Advocate.

INDUSTRY: Coal.

STATE: Bihar.

Camp at Patna, Dated the 1st April, 1972

AWARD

1. The Central Government in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) being of the opinion that an industrial dispute exists between the employers in relation to the management of Madhuband Colliery, Post Office Nudkhurkee District Dhanbad and their workmen by its order No. 2/97/70-LR11, dated the 14th of August, 1970 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication in respect of the matters specified in the Schedule annexed thereto.

SCHEDULE

“Whether the action of the management of Madhuband Colliery, Post Office Nudkhurkee, District Dhanbad, in dismissing Shri J. P. Sachar, Deputy Overman, with effect from the 30th April, 1970, was justified? If not, to what relief is the workman entitled?”

2. The workmen were represented by Sri J. D. Lal, Advocate/Vice President, Bihar Colliery Kamgar Union, Dhanbad and Sri S. S. Kapoor, Advocate represented the employers. On the date of hearing both the parties filed a joint petition duly signed by Sri J. D. Lal, Advocate on behalf of the workmen and Sri S. S. Kapoor, Advocate on behalf of the employers with a prayer to pass a ‘no dispute’ award in the present reference.

3. The present reference arises out of the dismissal of Sri J. P. Sachar, Deputy Overman, Madhuband Colliery by the management of that colliery with effect from 30th April, 1970 and it is to the effect as to whether the action of the management in this regard is justified and if not, to what relief the concerned workman is entitled to. In the joint petition it is stated that the concerned workman has been re-employed to his original job in the colliery since 15th October 1970 after the workman made an application (copy attached with the joint petition of compromise) in this regard to the management. Both the parties, therefore, prayed that the Tribunal should give no dispute award.

4. Sri J. D. Lal, Advocate on behalf of the workmen and Sri S. S. Kapoor, Advocate on behalf of the employers accept the correctness of the recital made in the joint petition and submit that the reference may be disposed of according to the prayer made by the parties.

5. In view of the facts on record and the submission made there will be a ‘no dispute’ award and I pass award accordingly. The joint petition of compromise along with the copy of petition to the management by the concerned workman attached to the joint petition will form part of this award as Annexure-A.

6. Let the award be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) B. S. TRIPATHI,
Presiding Officer,
Central Govt. Industrial Tribunal
(No. 3) Dhanbad.

ANNEXURE ‘A’

**BEFORE THE PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. III,
AT DHANBAD**

IN THE MATTER OF REF. NO. 38 OF 1970.

BETWEEN:

Employers in relation to Madhuband Colliery

AND

Their workmen as represented by the Union,
Bihar Colliery Kamgar Union.

Joint Petition of compromise:

The parties above named, Employers of Madhuband Colliery (hereinafter to be mentioned as Management) and the Union representing the workmen beg to submit as under:—

1. That the Central Govt. referred for adjudication to this Hon’ble Tribunal the following disputes:

“Whether the action of the management of Madhuband Colliery, P.O. Nudkhurkee, Dist. Dhanbad, in dismissing Shri J. P. Sachar, Deputy Overman with effect from 30th April, 1970 was justified? If not, to what relief is the workman entitled?”

2. That the workman concerned, Shri J. P. Sachar had by his application dated 11th October, 1970 (copy attached herewith as Annexure A) had apologised and the management consequently re-employed him on his original job and since 15th October, 1970 the workman concerned is in employment and working in this colliery.

3. That since the workman concerned, as stated above is already in employment there is no dispute left and both the parties agree to this.

4. That both the parties pray that your honour may give ‘no dispute’ award.

For the Workman

For the Employers.

(Sd.) Illegible Advocate
Dated 2-2-72.

(Sd.) Illegible, Advocate

The Agent

Central Office,
Through the Manager,
Madhuband Colliery.

Personnel Section
Accept

The apology. appoint a fresh in
The old salary.

Sd/- Agent.
13.X

Dear Sir,

Due to respectfully and humbly I beg to state that I was the employee of Madhuband Colliery and was dismissed from service for disobedient of lawful orders to work in place of B. R. Mitra. In this connection I have also to state that I was misguided by certain self interested cleveness in the colliery, who also created a very roudy situation and there was lot of labour trouble in the colliery. I could not approach my superiors due to misunderstanding and I hope you will excuse me this time.

I give you assurance of good behaviour and conduct as also I have no connection with Union activities in the colliery.

I fervently hope that you will excuse me and give me my work.

For I shall very grateful to you.

Yours faithfully,
Sd/- J. P. SACHAR,
Dt. Overman.

Put up

P/File.

Sd/- Illegible.

13. X

Recommended for favourable consideration.

(Sd.)— Manager.

12-10-70.

[No. 2/97/70-LRII.]

S.O. 1036.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Kapasara Colliery of Messrs Kapasara Coal Company, Post Office Mugma, District Dhanbad, and their workmen, which was received by the Central Government on the 20th April, 1972.

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL (NO. 3)
AT DHANBAD**

REFERENCE No. 53 OF 1969.

PRESENT:

B. S. Tripathi, Presiding Officer.

PARTIES:

Employers in relation to the Kapasara Colliery.
Vs.

Their workmen.

APPEARANCES:

For employers.—Sri B. Joshi, Advocate.

For workmen.—Sri B. Lal, Advocate.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, dated the 14th of April, 1972

AWARD

1. The Central Government, in the Ministry of Labour Employment and Rehabilitation (Department of Labour and Employment) being of the opinion

that an industrial dispute exists between the parties, named above, in respect of the matters specified in the Schedule annexed thereto, by their order no. 2/256/68-LRII dated the 11th August, 1969 referred the said dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication to this Tribunal. The Schedule is extracted below:—

SCHEDULE

"Whether the management of Kapasara Colliery of Messrs Kapasara Coal Company, Post Office Mugma, District Dhanbad, was justified in transferring Shri Fasupati Tewari, Chaprasi, to the Head Office at Jharia *vide* Manager's letter dated the 24th April, 1967? If not, to what relief is the workman entitled?"

2. In the proceeding the workmen were represented by Sri V. N. Prasad, General Secretary of Colliery Mazdoor Sabha, Karampura, District Dhanbad and Sri B. Lal, Advocate and the employers were represented by Sri O. P. Kedia, Manager of Kapasara Colliery and Sri B. Joshi, Advocate. Both the parties filed their respective written statement. On 23rd March, 1972 both the parties filed a compromise petition containing terms of settlement duly verified on behalf of the workmen by Sri V. N. Prasad, the General Secretary of the said union, Sri B. Lal, Advocate of the workmen and by the concerned workman and by Sri O. P. Vedia, the Manager of the concerned colliery and Sri B. Joshi, Advocate on behalf of the employers with a prayer to pass an award in terms of the settlement.

3. The above compromise petition embodying the terms of settlement arrived at by the parties was put on 12th April, 1972 before the learned Advocates of both the parties who submitted that the dispute between the parties has been settled amicably, in terms mentioned in the above petition. They submitted further that the terms of settlement are fair and reasonable which should be accepted and the award be passed accordingly.

4. After careful consideration of the terms of settlement contained in the above petition and the submissions made on behalf of the parties, keeping in view the reference in question, I accept the terms of settlement as fair and reasonable and beneficial to both the parties and accordingly pass my award in terms thereof. The terms of settlement will form part of this Award and is annexed with this Award as Annexure 'A'.

5. Let the award be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) B. S. TRIPATHI,
Presiding Officer.

ANNEXURE 'A'

**BEFORE THE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(NO. 3) DHANBAD.**

REFERENCE No. 53 OF 1969

Employers in relation to Kapasara Colliery

AND

Their Workmen.

Without prejudice to the respective contentions of the parties above named, the parties have amicably settled the dispute on the following terms:

Terms of Settlement

1. That the concerned workman will not claim any relief of reinstatement with back wages in this colliery since he has been gainfully employed elsewhere during this period.

2. That the Employers will pay Rs. 500 (Five hundred) only as an *exgratia* payment for the loss suffered by him if any during the period from 24th April, 1967 to the date of this settlement.

3. That the concerned workman will have no further claim with the management on any other account.

4. That in view of this settlement, the dispute mentioned in the reference stands resolved and there remains no dispute between the parties which needs adjudication by the Hon'ble tribunal.

It is humbly prayed that the Hon'ble Tribunal be graciously pleased to accept the terms of the settlement as fair and reasonable and be pleased to pass the Award in terms of this settlement.

For the Employer

For the workmen

(Sd.) O. P. KEDIA,
Manager, Kapasara Colliery.

(Sd.) V. N. PRASAD,
General Secretary
Colliery Mazdoor Sabha
At. Karampura

(Sd.) B. Joshi, Advocate,

P. O.
Via, Nirshachar
Dist. Dhanbad.

(Sd.) P. P. TEWARI,
(the concerned workman).

[No. 2/256/68-LRII.]

New Delhi, the 24th April, 1972

S.O. 1037.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of North Damoda between the employers in relation to the Damoda and Kessergarh Collieries Post Office Nudkhurkee, District Dhanbad, and their workmen, which was received by the Central Government on the 20th April, 1972.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE No. 89 OF 1969

PRESENT:

B. S. Tripathi, Presiding Officer.

PARTIES:

Employers in relation to the Kessergarh and North Damoda Colliery.

Versus

Their workmen.

APPEARANCES:

For employers.—Sri S. S. Mukherjee, Advocate.

For workmen.—Sri P. Choudhary, Advocate.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 13th of April, 1972

AWARD

1. The Central Government in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), being of the opinion that an industrial dispute exists between the employers in relation to the management of North Damoda and Kessergarh Collieries, Post office Nudkhurkee, District Dhanbad and their workmen, by its order No. 2/80/69-LRII, dated the 29th November, 1969 referred the dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal for adjudication in respect of the matters specified in the

Schedule annexed hereto. The schedule is extracted below:

SCHEDULE

"Whether the management of North Damoda and Kessergarh Collieries, Post Office Nudkhurkee, District Dhanbad, was justified in terminating the services of their twenty-two workmen, whose names, designations and dates of termination are given below? If not, to what relief are the workmen entitled?"

Sl. No.	Name	Designation	Date of termination of service.
1.	Sri Manilal Beldar	Wagon Loader	31-1-66
2.	" Guman Gope	Miner	31-1-66
3.	" Dukhan Gope	Miner	31-1-66
4.	" Raghu Nandan Gope	U. G. Trammer	31-1-66
5.	" Ramdas Gope	U. G. Trammer	31-1-66
6.	" Ram Chandra Gope	U. G. Trammer	31-1-66
7.	" Samaru Gope	Miner	11-11-65
8.	" Sakalji Gope	U. G. Trammer	11-11-65
9.	" Fekan Gope	U. G. Trammer	11-11-65
10.	" Deo Nandan Gope	Chaprasai	10-11-65
11.	" Dular Chand Gope	U. G. Trammer	11-11-65
12.	" Mathura Mahato	Miner	11-11-65
13.	" Hardeo Gope	Bailing Mazdoor	21-1-66
14.	" Mahadeo Gope	U. G. Trammer	21-1-66
15.	" Baru Gope	Miner	21-1-66
16.	" Deo Nandan Gope	Miner	21-1-66
17.	" Ramdeo Gope	U. G. Trammer	22-7-65
18.	" Rupan Dasadh	U. G. Trammer	22-7-65
19.	" Sakalji Gope	Chaprasai	22-7-65
20.	" Deban Gope	U. G. Trammer	22-7-65
21.	" Loknath Gope	Miner	8-10-65
22.	" Raj Kumar Gope	Chaprasai	10-11-65

2. In the proceeding the employers were represented by S/Sri S. S. Mukherjee, Advocate and N. K. P. Sinha, Personnel Officer and the workmen were represented by S/Sri P. Chaudhury and J. D. Lall, Advocates and Sri Umakant Singh, Organising Secretary, Colliery Mazdoor Sangh. On 27th Apr. 1970 the employers filed their written statement and the written statement on behalf of the workmen was filed on 4th July, 1970. On 6th August, 1970 a rejoinder to the written statement of the employers was filed on behalf of the workmen. Since the matter in dispute has been settled amicably by compromise I do not consider it necessary to discuss the respective stand of the parties in their written statements.

3. The parties have filed a joint petition of compromise which has been verified by Sri S. S. Mukherjee, Advocate, the Agent Sri Brahmdev Bahl and the Director Sri Arjun Agarwala on behalf of the employers and by Sarva Sri P. Chaudhury, Advocate and Umakant Singh, authorised representative of the workmen-Organising Secretary, Colliery Mazdoor Sangh on behalf of the workmen and also by all the twenty two concerned workmen. The joint memorandum of compromise contains the terms of settlement arrived at by the parties.

4. Both the parties submitted before me that the terms of settlement finally resolve the dispute under reference and there is no subsisting dispute for adjudication in the present reference. They prayed that an award be passed in terms of the memorandum of compromise.

5. The terms of the compromise appear to be fair and reasonable and beneficial to both the parties. I accept the compromise and pass an award in terms of the memorandum of compromise, which is attached herewith as Annexure 'A' of the award.

6. This is my award. It may now be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

B. S. TRIPATHI,
Presiding Officer,
Central Government Tribunal (No. 3)
Dhanbad.

ANNEXURE A

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

In the matter of

REFERENCE No. 89 of 1969

BETWEEN

The Employers in relation to the management of North Damoda and Kessergarh Collieries, P.O. Nudkhurkee., Distt. Dhanbad.

AND

Their workmen

MEMORANDUM OF SETTLEMENT

All the parties in the present proceeding have amicably settled the dispute involved in the present Reference on terms hereinafter stated.

(1) The twenty-two workmen concerned in the present Reference shall be employed by the management of North Damoda and Kessergarh Collieries within a fortnight from the date of receipt of the Hon'ble Tribunal's Award in this Reference.

(2) After employment as mentioned above, these workmen concerned in this Reference shall be allowed continuity of their service without any claim for wages or any kind of other relief whatsoever and for purpose of maintaining continuity of their services, the intervening period from the date of their last termination of services (which gave rise to the present Reference) to the date of employment (as per para 1 hereof) will be treated as the period of leave without pay.

(3) The owners of the said Collieries (the past management which was partly to this dispute) on their account shall pay a sum of Rs. 500/- (Rupees five hundred only) to each of the twenty-two workmen concerned in this Reference, as an *ex-gratia* amount within a week from the date of their respective employment as per terms hereinabove.

(4) In the event of the failure of the concerned workmen to report for work within the period mentioned in paragraph 1 hereof, the workmen concerned shall have no right for employment etc. under this agreement.

(5) The above terms finally resolve the dispute between the parties and therefore, there is no subsisting dispute for adjudication in the present Reference.

(6) The parties shall bear their own cost of proceedings.

It is therefore, prayed that the Hon'ble Tribunal may be pleased to accept this settlement and to give its Award in terms thereof.

For the Employers

For the Manbhumi Coal
Syndicate (P) Ltd.,

(Sd.) ARJUN AGARWALLA,
Director.

(Sd.) Illegible 9-3-72 Agent,
North Damoda & Kessergarh
Collieries.

Dated 28-2-72

For the work

workmen concerned

- (1) Munilal Beldar
(Thumb impression)
- (2) Guman Gope
(Thumb impression)
- (3) Dukhan Gope
(Thumb impression)
- (4) Raghu Nandan Gope
(Thumb impression)
- (5) Ramdas Gope
(Thumb impression)
- (6) Ram Chandra Gope
(Sd.) Illegible
- (7) Samaru Gope
(Thumb impression)
- (8) (Sd.) Sahaldip Gope
- (9) Fekan Gope
(Thumb impression)
- (10) Deo Nandan Gope
(Sd.) Illegible
- (11) (Sd.) Dular Chand Gope
- (12) Mathura Mahato
(Thumb impression)
- (13) Hardeo Gope
(Thumb impression)
- (14) Mahadco Gope
(Thumb impression)
- (15) Baru Gope
(Thumb impression)
- (16) Deo Nandan Gopeminos
(Thumb impression)
- (17) Ramdeo Gope
(Sd.) Illegible
- (18) (Sd.) Rupan Dusadh
- (19) (Sd.) Sakaldeo Gope
(Sd.) Illegible
- (20) Deban Gope
(Sd.) Illegible
- (21) (Sd.) Loknath Gope
- (22) (Sd.) Raj Kumar Gope
(Sd.) Illegible
- (23) (Sd.) Umakant Singh
(Authorised Representative
of Workmen Organising
Secretary, Colliery Mazdo or
Sangh)

(Sd.) Illegible

(Advocate).

S.O. 1038.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Kapasara Colliery of Messrs Kapasara Coal Company, Post Office Mugma, District Dhanbad, and their workmen, which was received by the Central Government on the 20th April, 1972.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(NO. 3) AT DHANBAD**

REFERENCE No. 87 of 1969

Present:

B. S. Tripathi, Presiding Officer.

PARTIES:

Employers in relation to the management of Kapasara Colliery.

Vs.

Their workmen.

APPEARANCES:

For the employers:— Sri B. Joshi, Advocate.

For the workmen:—Sri V. N. Prasad, General Secretary, Colliery Mazdoor Sabha, Karampura (Dhanbad).

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, Dated the 12th April, 1972

AWARD

1. The Central Government, being of the opinion that an industrial dispute exists between the employers in relation to the management of Kapasara Colliery of Messrs Kapasara Coal Company, Post Office Mugma, District Dhanbad and their workmen by its order No. 2/115/69-LRII dated the 24th November, 1969 referred to this Tribunal under section 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

"Whether the action of the management of Kapasara Colliery of Messrs Kapasara Coal Company, Post Office Mugma, District Dhanbad in stopping from work the twenty workmen, whose names and designations are given below, with effect from the 2nd May, 1967 was justified? If not, to what relief are these workmen entitled?"

Sl. No.	Name	Designation
1.	Shri Abdul Shekh	Bolier fireman,
2.	Chhakawai Prasad	Trammer
3.	Mahadeo Singh	Trammer
4.	Joyti Modi	Trammer
5.	Thuru Modi	Trammer
6.	Sadanand Kumbhar	Haulage Khalasi
7.	Subodh Gope	Pump Khalasi
8.	Sahadeo	Pump Khalasi
9.	Kailash Bhuian	Loading Mazdoor
10.	Chandmuni Maghian	Loading Mazdoor
11.	Curupado Gorain	Bolier fireman
12.	Shyaamapadu Sarkar	Pump Khalasi
13.	Bhokha Manghe	Trammer
14.	Mansha Manghe No. 2	Trammer
15.	Risha Mundain	Loading Mazdoor
16.	Kalo Mangha	Trammer
17.	Purungi Manghian	Depot Mazdoor
18.	Moti Bauri	Depot Mazdoor
19.	Hari Bhulan	Depot Mazdoor
20.	Nanda Manjhi	Trammer,

2. The workmen were represented by Shri V. N. Prasad, General Secretary, Colliery Mazdoor Sabha, Karampura, (Dhanbad) and the employers were represented by Shri B. Joshi, Advocate. The date of hearing was fixed on 24th March, 1972 but both the parties appeared before the Tribunal on 23rd March, 1972 and filed a joint petition of compromise. The compromise petition has been signed by O. P. Kedia, Manager, Kapasara Colliery and Shri B. Joshi, Advocate on behalf of the employers and it has been signed by Shri V. N. Prasad, General Secretary, Colliery Mazdoor Sabha on behalf of the workmen.

3. In the present case both the parties have filed their respective written statement. But since the dispute has been amicably settled it is not necessary to state the respective cases of the parties.

4. According to the terms of compromise it has been agreed by the employers to pay a total sum of Rs. 2,000/- (two thousand) only at the rate of Rs. 100/- (Rs. one hundred) each as exgratia payment to each of the concerned workmen or to the heirs of those who are reported to have since died during the pendency of the present reference. The concerned workmen will have no further claim with the management on any other account and the management will forward the applications for refund of P.F. contributions to the C.M.P.F. Commissioner and no further dispute exists between the parties.

5. Both the parties submit that the Tribunal should accept the terms of compromise as fair and reasonable and pass award in terms of the settlement.

6. After careful consideration keeping in view the reference, I accept the terms of settlement as fair and reasonable and accordingly pass my award in terms thereof. The terms of compromise which is annexed with his award as Annexure 'A', will form part of the award.

7. Let the award be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) B. S. TRIPATHI,

Presiding Officer.

Central Govt. Industrial Tribunal (No. 3)
Dhanbad.

ANNEXURE A

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVT. INDUSTRIAL TRIBUNAL NO. 3
AT DHANBAD**

REFERENCE No. 87 of 1969

Employers in relation the Kapasara Colliery

AND

Their workman.

Without prejudice to the respective contentions of the parties above named, the parties have amicably settled the above dispute on the following terms:

Terms of the settlement

1. That the concerned workmen mentioned in the schedule of this reference will not claim any relief of reinstatement with back wages since most of them have been gainfully employed elsewhere in better employments and some have died.

2. That it has been agreed by the employers to pay a total sum of Rs. 2,000 (Rupees two thousand) only at the rate of Rs. 100 (Rupees one hundred) each as ex-gratia payment to each of the workman mentioned in the schedule of the reference or to the heirs of those who are reported to have since died during the pendency of the present reference.

3. That the concerned workmen will have no further claim with the management on any other account.

4. That the management will forward the applications for refund of P.F. Contributions to the C.M.P.F. Commissioner.

5. That in view of this settlement the dispute mentioned in the reference stands resolved and there remains no further dispute between the parties which needs further adjudication by the Hon'ble Tribunal.

It is humbly prayed that the Hon'ble Tribunal be graciously pleased to accept the above terms of settlement as fair and reasonable and be pleased to pass an award in terms of this settlement.

For the Employers,

(Sd.) O. P. KEDIAZ,
Manager, Kapasara
Colliery.

(Sd.) B. JOSHI, Advocate.

For the Workmen

(Sd.) V. N. PRASAD,
General Secretary,
Colliery Mazdoor Sabha
At, Karampura

P.O.
Via, Narshachai
Dist, Dharbad.

[No. 2/115/69-JR.II.]

KARNAIL SINGH, Under Secy.

MINISTRY OF COMMUNICATION

(P. & T. Board)

New Delhi, the 29th April 1972

S.O. 1039.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st June, 1972 as the date on which the Measured Rate System will be introduced in GUDUR Telephone Exchange, Andhra Circle.

[No. 5-9/72-PHB(11).]

H. C. MATHUR,
Director of Phones(E).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 29 अप्रैल 1972

स्थायी आदेश संख्या 1039—स्थायी आदेश संख्या 627 दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने गुडुर टेलीफोन केन्द्र में दिनांक 1-6-72 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-9/72-PHB (11)]

एच० सी० माथुर,

निदेशक फोन्स (ई)।

CABINET SECRETARIAT

(Department of Personnel)

New Delhi, the 24th March 1972

S.O. 1040.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri S. P. Seth, a Deputy Legal Adviser in the Central Bureau of Investigation, as Public Prosecutor for the conduct of cases instituted by the Delhi Special Police Establishment in the court of any Magistrate, Special Judge or Sessions Judge in any State or Union territory of India.

[No. 225/11/72-AVD(II).]

मंत्रिमण्डल सचिवालय

(कामिक विभाग)

नई दिल्ली, 24 मार्च 1972

एस० ओ० 1040.—दण्ड प्रक्रिया संहिता, 1898 (1898 का 5) की धारा 492 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, केन्द्रीय अन्वेषण ब्यूरो में उप-विधि सलाहकार श्री एस० पी० सेठ को, भारत के किसी भी राज्य अथवा संघ राज्य क्षेत्र में किसी भी मजिस्ट्रेट, विशेष न्यायाधीश अथवा सेशन न्यायाधीश के न्यायालय में दिल्ली विशेष पुलिस स्थापना द्वारा मुकदमा चलाए गए मामलों के संचालन के लिए लोक अधियोजक नियुक्त करती है।

[संख्या 225/11/72-ए० वी० डी०-2]

New Delhi, the 20th April 1972

S.O. 1041.—In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri Z. A. Khalidi, Deputy Legal Adviser in the Central Bureau of Investigation, as public Prosecutor to conduct cases of the Delhi Special Police Establishment before the court of any Magistrate, Special Judge or Sessions Judge in any State or Union territory.

[No. 225/28/72-AVD(II).]

B. C. VANJANI, Under Secy.

नई दिल्ली, 20 अप्रैल, 1972

एस० ओ० 1041.—दण्ड प्रक्रिया संहिता 1898 (1898 का 5) की धारा 492 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार केन्द्रीय अन्वेषण ब्यूरो के उप-विधि सलाहकार श्री जेड० ए० खलीदी को किसी भी राज्य अथवा संघ शासित क्षेत्र के किसी भी मजिस्ट्रेट, स्पेशल जज या सेशन जज के न्यायालय के समक्ष दिल्ली विशेष पुलिस स्थापन के बादों की पैरवी करने के लिए एतद्वारा लोक-अभियोजक नियुक्त करती है।

[संख्या 225/28/72-ए० वी० डी०-2]

बी० सी० वनजानी, अवर सचिव।

MINISTRY OF HOME AFFAIRS**ORDER***New Delhi, the 21st April 1972*

S.O. 1042.—In pursuance of clause (a) of sub-section (3) of section 27 of the Government of Union Territories Act, 1963 (20 of 1963), the President hereby determines that for the financial year 1972-73, the expenditure relating to the office of the Administrator of Mizoram, other than the Administrator's emoluments and allowances, shall be a sum not exceeding Rs. two lakhs thirty seven thousand.

[No. 3/27/72-MZ.]

JAYAKER, JOHNSON, Dy. Secy.

गृह मंत्रालय

आदेश

नई दिल्ली, 21 अप्रैल, 1972

सां० आ० 1042.—संघ शासित क्षेत्र सरकार अधिनियम, 1963 (1963 का 20 वां) की धारा 27 की उपधारा (3) के खण्ड (क) के अनुसरण में, राष्ट्रपति एतद्वारा यह निर्धारित करते हैं कि वित्तीय वर्ष 1972-73 के लिए मिज़ोरम के प्रशासक के कार्यालय से संबंधित व्यय, प्रशासक की परिलब्धियाँ और भत्ते छोड़कर, दो लाख और सैतीस हजार की राशी से अधिक नहीं होगा।

[सं० 3/27/72-एम० जेड०]

जयाकर जानसन, उप सचिव।

MINISTRY OF FINANCE**(Department of Banking)***New Delhi, the 5th April 1972*

S.O. 1043.—In exercise of the powers conferred by section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Rajasthan State Industrial Co-operative Bank Ltd., Jaipur for a period of one year from 1st March, 1972 to 28 February 1973.

[No. F. 15-1/72 ACIL]

L. D. KATARIA, Dy. Secy.

वित्त मंत्रालय

(बैंकिंग विभाग)

नई दिल्ली, 5 अप्रैल, 1972

एस० आ० 1043.—बैंकिंग विनियमन अधिनियम, 1949 (1949 का 10), की धारा 56 के साथ गठित धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषित करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबन्ध पहली मार्च 1972 से 28 फरवरी, 1973 तक की एक वर्ष की अवधि के लिए

राजस्थान स्टेट इण्डस्ट्रियल कोऑपरेटिव बैंक लिमिटेड पर लागू नहीं होंगे।

[संख्या एफ० 15-1/72 ए० सी० II]

एल० डी० कटारिया, उप-सचिव।

(Department of Revenue and Insurance)**INCOME-TAX***New Delhi, the 30th March 1972*

S.O. 1044.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research, the 'prescribed authority' for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (43 of 1961) subject however to the condition that it would send an annual report of its activities and research programmes and also a statement of accounts of the funds received under section 35(1)(iii) and their utilisation, to the Indian Council of Social Science Research, New Delhi.

Institution

NATIONAL INSTITUTE OF BANK MANAGEMENT, BOMBAY.

[No. 70/F. No. 203/32/71-ITA.2.]

S. N. NAUTIAL, Dy. Secy.

(राजस्व और बीमा विभाग)

आय-कर

नई दिल्ली, 30 मार्च, 1972

एस० आ० 1044.—सर्वसाधारण की जानकारी के लिए यह सूचित किया जाता है कि नीचे वर्णित संस्था का, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए 'विहित प्राधिकारी भारतीय समाज विज्ञान अनुसंधान परिषद् द्वारा अनुमोदन कर दिया गया है किन्तु वह इस शर्त के अधीन होगा कि वह अपने क्रिया कलापों और अनुसंधान कार्यक्रमों की एक वार्षिक रिपोर्ट और धारा 35 (1) (iii) के अधीन प्राप्त हुई निधि के लेखों और उनके उपयोग का एक विवरण भी भारतीय समाज विज्ञान अनुसंधान परिषद् नई दिल्ली को भेजे।

संस्था

नेशनल इंस्टीट्यूट ऑफ बैंक मैनेजमेंट, बम्बई

[सं० 70/फा० सं० 203/32/71-आई० टी० ए० 2]

एस० एन० नौटियाल, उप-सचिव।

BOMBAY CENTRAL EXCISE COLLECTORATE**CENTRAL EXCISE****MANUFACTURED PRODUCTS***Bombay, the 28th, August, 1971*

S.O. 1045.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I

hereby empower the Central Excise Officers of and above the rank as specified in column 2 of the subjoined Table to exercise the powers of "Collector" under the Central Excise Rules, 1944 enumerated in column 1 thereof subject to limitations set out in column 3 of the said Tables:—

"TABLE"

Central Ex. Rule	Rank of Officer	Limitations if any
96 ZO(1)	All officers of and above the rank of Supdt. C. Ex.	First A.S.P. may be accepted by the officer no below the rank of Asstt. Collector.
96 ZO(2)	All officers of and above the rank of Asstt. Collr. of Central Excise.	—
96 ZO(4)	All officers of & above the rank of Supdt. of C. Ex.	(a) Power of accepting renewal application in form A.S.P. shall be exercised by the Supdt. of Central Excise. (b) Where the delay in presenting A.S.P. is not more than 10 days the Supdt. C.E. shall exercise the power of condoning the delay. (c) Where delay in presenting the A.S.P. exceeds 10 days the Asstt. Collector C. Ex. shall exercise the power of condoning the delay.
96 ZQ(2)	All officers of & above the rank of Asstt. Collr. of Central Excise.	—
96 ZS (i) to (iii)	Adjudicating Officers.	to demand duty, to confiscate goods and to impose penalty in accordance with their limits of adjudications viz. (i) Supdt. C. Ex. may confiscate goods not exceeding Rs. 1000/- in value and impose penalty upto Rs. 100/- and demand duty in such cases. (ii) Asstt. Collector of Central Excise may confiscate goods not exceeding Rs. 5000/- in value and impose penalty upto Rs. 250/- and demand duty in such cases. (iii) Dy. Collector may confiscate goods not exceeding Rs. 50,000/- in value and impose penalty upto Rs. 750 and demand duty in such cases.

केन्द्रीय उत्पाद शुल्क समाहर्ता-कार्यालय, बम्बई

निमित्त उत्पाद

केन्द्रीय उत्पादन शुल्क

बम्बई, 28 अगस्त 1971

एस० श्री० 1045.—केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 5 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए मैं, उपाबद्ध सारणी के स्तम्भ 2 में विनिर्दिष्ट केन्द्रीय उत्पादन शुल्क अधिकारियों के तथा उनसे ऊपर के ओहदे के अधिकारियों को, सारणी के स्तम्भ 1 में उल्लिखित केन्द्रीय उत्पादन शुल्क नियमावली, 1944 के अधीन, उक्त सारणियों के स्तम्भ 3 में निर्धारित सीमाओं के अधीन रहते हुए "समाहर्ता" की शक्तियों का प्रयोग करने का एतद्वारा अधिकार देता हूँ:—

सारणी

केन्द्रीय उत्पाद शुल्क नियम	अधिकारी का ओहदा	सीमाएं, यदि कोई हैं
(1)	(2)	(3)
96 जैड० केन्द्रीय उत्पाद शुल्क ओ० (1) अधीक्षक के ओहदे के तथा उससे ऊपर के ओहदे के सभी अधिकारी।		विशेष कार्यविधि के लिए प्रथम प्रार्थना पत्र (ए० एम० पी०) उस अधिकारी द्वारा लिया जाय जो सहायक समाहर्ता के ओहदे से नीचे का नहीं हो।
96 जैड० केन्द्रीय उत्पाद शुल्क के ओ० (2) सहायक समाहर्ता के ओहदे के तथा उससे ऊपर के ओहदे के सभी अधिकारी।		
96 जैड० केन्द्रीय उत्पादन शुल्क के ओ० (4) अधीक्षक के ओहदे के तथा उससे ऊपर के ओहदे के सभी अधिकारी।		(क) फार्म ए० एस० पी० में नवीकरण प्रार्थना पत्र को लेने की शक्ति का प्रयोग केन्द्रीय उत्पादन शुल्क के अधीक्षक द्वारा किया जायगा। (ख) जहाँ ए० एस० पी० को प्रस्तुत करने में 10 दिन से अधिक का विलम्ब नहीं हुआ हो, वहाँ विलम्ब को माफ करने की शक्ति का प्रयोग केन्द्रीय उत्पादन शुल्क का अधीक्षक करेगा।

[No. CER/5/2/71]

M. S. MEHTA,

Collector of Central Excise, Bombay

(1)	(2)	(3)	(4)
		(ग) जहाँ ए० एस० पी० को प्रस्तुत करने में 10 दिन से अधिक का विलम्ब हुआ हो, वहाँ विलम्ब को माफ करने की शक्ति का प्रयोग केन्द्रीय उत्पादन शुल्क का सहायक समाहर्ता करेगा।	सकता है, 100 रु० तक दण्ड लगा सकता है तथा शुल्क की मांग कर सकता है।
96 जैड० केन्द्रीय उत्पादन शुल्क	न्यू० (2) के सहायक समाहर्ता के ओहदे के तथा उससे ऊपर के ओहदे के सभी अधिकारी		(ii) केन्द्रीय उत्पादन शुल्क का सहायक-समाहर्ता ऐसे मामलों में 5,000 हजार रुपये के मूल्य से अनधिक के माल को जप्त कर सकता है। 250 रु० तक दण्ड लगा सकता है तथा शुल्क की मांग कर सकता है।
96 जैड० न्यायनिर्णय-अधिकारी	न्यायनिर्णयों की अपनी निम्न-लिखित सीमाओं के प्रनुसार शुल्क की मांग करता, माल को जप्त करना तथा दण्ड लगाता :-		(iii) उप-समाहर्ता ऐसे मामलों में 50,000 रु० के मूल्य से अनधिक के माल को जप्त कर सकता है, 750 रु० तक दण्ड लगा सकता है तथा शुल्क की मांग कर सकता है।
एस० (i)		(i) केन्द्रीय उत्पादन शुल्क का अधीक्षक ऐसे मामलों में 1,000 रुपये के मूल्य से अनधिक के माल को जप्त कर	
से (iii)			

[सं० सी० ई० आर० /5/2/71]

डी० आर० कोहली,

OFFICE OF THE COMMISSIONER OF INCOME TAX,
DELHI (CENTRAL), NEW DELHI.

New Delhi, the 17th February, 1972.

S.O. 1046.—As authorised & directed by the Central Government *vide* Government of India, Ministry of Finance (Department of Revenue & Insurance), New Delhi's order F. No. 16/202/67-ITB dated 25-3-1969 in terms of section 287 of the Income-tax Act 1961 (43 of 1961) the names and other specified particulars relating to assessee :—

(i) being individuals or Hindu Undivided Families, who have been assessed on an income of more than one lakh of rupees;

(ii) being firms, association of persons or companies, who have been assessed on an income of more than ten lakhs of rupees; assessed during the financial year 1970-71 are hereby published.

1. Names of all Individuals and Hindu Undivided Families who have been assessed on an income of Rs. 1 lakh or more during the Financial year 1970-71 :—

Sl. No.	Name and address of the assessee	Status	Assessment year	Total income assessed
1	2	3	4	5
1.	Shri Anil Mohan Gupta C/o M/s. Auto Sales, P. D. Tandon Road, Allahabad.	Indl.	1968-69	145830
			1969-70	154710
2.	Shri Ajit Kumar C/o India Implement Mfg. Co., Marris Road, Aligarh.	Indl.	1967-68	117250
			1968-69	141920
3.	Shri Ashok Kumar P/O M/s Rameshwar Dass Prem Chand, Rewari.	Indl.	1966-67	463600
4.	Shri Ajay Hari Dalmia, 4, Scindia House, New Delhi.	Indl.	1970-71	132310
5.	Shri Amar Nath Kapoor, General Ganj, Kanpur.	Indl.	1968-69	139550
			1969-70	108520
			1970-71	119080

1	2	3	4	5
6.	Bakshi Abdul Majid, Pamposh Hotel, Residency Road, Srinagar.	Indl.	1954-55 1955-56 1966-67	154230 468230 181900
7.	Master Baboo (Pankaj Gupta) through L. Devi Chand, P. D. Tandon Road, Allahabad	Indl.	1969-70	106450
8.	Seth Banarsi Dass Gupta C/o M/s. Jaswant Sugar Mills Ltd., Meerut	Indl.	1966-67	141500
9.	Seth Banarsi Dass Gupta C/o M/s. Jaswant Sugar Mills Ltd., Meerut	HUF	1959-60 1960-61 1966-67	784892 733990 910560
10.	Shri B. K. Bedi, 38 Pussa Road, New Delhi.	Indl.	1966-67 1967-68	165450 105220
11.	Shri Baldev Krishan Bahal P/o Pearl Woollen Mills No. 1, Ludhiana.	Indl.	1966-67	432110
12.	Shri Bal Chand Soni, P/o M/s. R. K. Machine Tools, Ludhiana.	Indl.	1966-67	212480
13.	M/s. B. D. Seth & Sons, Calcutta.	HUF	1961-62	105160
14.	Shri Charan Das C/o M/s Jagtu Mal Kundan Lal, Patiala.	Indl.	1968-69 1969-70 1958-59	139886 113027 181983
15.	Shri C. M. Gupta C/o M/s. Auto Sales, P.D. Tendon Road, Allahabad.	Indl.	1969-70	109950
16.	Shri Chand Rattan Rathi C/o Rathi Steel Rolling Mills, Shahdara, Delhi.	H.U.F.	1966-67	158733
17.	Shri Charanjit Singh C/o Oriental Building & furnishing Co. (P) Ltd., New Delhi	Indl.	1969-70 1970-71	146670 195739
18.	Shri Dharambir C/o M/s. Dharambir Manohar Lal, Haldwani.	H.U.F.	1966-67	322115
19.	Shri Durga Parshad P/o Shri Rameshwar Dass Prem Chand, Rewari.	Indl.	1966-67	324030
20.	Shri Daljit Singh C/o Oriental Bldg. & Furnishing Co. (P) Ltd., New Delhi.	19Indl.	1969-70 1970-71	185000 216590
21.	Shri Dharam Pal Seth C/o Shiv Prakash Janakraj & Co., Amritsar	Indl.	1966-67	211570
22.	Shri F. C. Mehra, 13-B, Rajindra Park, New Delhi.	Indl.	1959-60 1960-61 1966-67	270054 602554 676299
23.	R. B. Gujar Mal Modi, Modinagar.	Indl.	1961-62 1966-67	111676 115778
24.	Shri Gopal Chand P/o M/s. Rameshwar Dass Prem Chand, Rewari.	Indl.	1966-67	465350
25.	Shri Gian Chand P/o Ramjidas Rambilas, Kucha Natwan, Delhi-6.	Indl.	1963-64 1964-65	154825 332778
26.	S. Gurinder Singh Kairon C/o Neelam Theatre, Amritsar.	Indl.	1966-67	152880
27.	Shri H. P. Nanda, 12, Jor Bagh, New Delhi.	Indl.	1967-68 1968-69	174586 162125
28.	Shri H. C. Gupta, 23-A, Ashok Marg, Lucknow.	Indl.	1967-68	126940
29.	Bakshi Haji Ghulam Nabi P/o Haji Ghulam Nabi Noorudin & Co., Residency Rd., Srinagar.	Indl.	1958-59	145130
30.	Shri Hari Kishan Rathi C/o Rathi Steel Rolling Mills, Shahdara, Delhi.	H.U.F.	1966-67	265598
31.	Shri I. C. Gupta C/o M/s. Kailash Motors, G.T. Road, Kanpur.	Indl.	1968-69 1969-70 1970-71	115150 133610 113810
32.	S. Inder Singh C/o M/s. The Singh Engg. Works (P) Ltd. Kanpur.	Indl.	1970-71	102850
33.	Shri Jagdish Rai Jain, 110-D, Kamla Nagar, Delhi.	Indl.	1967-68 1968-69 1969-70	123080 105250 128235
34.	Shri Jagdish Rai Jain, 110-D, Kamla Nagar, Delhi.	H.U.F.	1966-67	180703
35.	Shri Joginder Singh, 12, Roshanara Road, Delhi.	Indl.	1966-67	118385
36.	Smt. Jogwati Devi C/o M/s. Jagtunal Kundan Lal, Patiala.	Indl.	1969-70	117027
37.	Shri J. Dalmia, 4, Scindia House, New Delhi.	Indl.	1970-71	155312
38.	Shri Jai Hari Dalmia, 4, Scindia House, New Delhi.	Indl.	1970-71	112564
39.	Shri Jiwand Singh P/o M/s. Aeroplane Shoe Factory, Karol Bagh, Delhi.	Indl.	1969-70	136308
40.	Shri J. R. Malik C/o Erosee Cold Storage, Railway Road, Gurgaon.	Indl.	1964-65 1965-66	168000 162000
41.	Shri Jagdish Lal Bahal P/o Pearl Woollen Mills No. 1, Ludhiana.	Indl.	1966-67	425010
42.	Shri Janak Raj Seth C/o Shiv Prakash Janak Raj & Co., Amritsar.	Indl.	1966-67	203539
43.	Shri Jethanand Manekchand, 144, Samuel Street, Bombay.	Indl.	1965-66	110420
44.	Master K. Kishore (Rakesh Gupta) through Shri H.C. Gupta, 23-A, Ashok Marg, Lucknow.	Indl.	1967-68 1968-69 1969-70	106870 133740 135890
45.	Shri Kailash Chand Gupta, 53, Gandhi Road, Dehradun.	Indl.	1969-70 1962-63	167660 137189
46.	Shri K. M. Modi, Modi Nagar.	Indl.	1962-63	137189
47.	Shri K. N. Modi, Modi Nagar.	Indl.	1961-62	111727
48.	Shri Khilli Ram, Rewari.	H.U.F.	1966-67	435710
49.	Shri Kailash Lamba Prop. M/s. Continental Furnishers, Punchkuign Road, New Delhi.	Indl.	1963-64 1964-65 1966-67	199450 126070 187909
50.	Shri K. C. Khosla, 1, Deshbandhu Gupta Road, New Delhi.	Indl.	1966-67 1967-68 1968-69	122066 141957 107263
51.	Shri L. P. Jaiswal, 54, Ring Road, Jaipat Nagar-III, New Delhi.	Indl.	1968-69 1969-70 1970-71	105596 213718 251072

1	2	3	4	5
52.	Shri Kanti Kumar Behal, P/o Pearl Woollen Mills No. 1, 425, Industrial Area, Ludhiana.	Indl.	1966-67	431150
53.	Smt. Laj Kaur C/o M/s. Oriental Bldg. & Furnishing Co., (P) Ltd., Connaught Place, New Delhi.	Indl.	1967-68	212677
54.	Shri M. R. Dhawan, 4/8, Asafali Road, New Delhi.	Indl.	1966-67	196404
55.	Late Shri Murari Lal through his L/H Sham Lal, C/o M/s. Jagtu Mal Kundan Lal, Patiala.	Indl.	1967-68 1968-69 1969-70	103970 103897 10048
56.	Master Munna (Ajay Gupta) through Sh. H.C. Gupta, 23-A, Ashok Marg, Lucknow.	Indl.	1967-68 1968-69 1969-70	105760 130890 171400
57.	Shri M. C. Gupta, 53, Gandhi Road, Dehradun.	Indl.	1967-68 1968-69 1969-70	110122 149230 198240
58.	Shri Manohar Lal C/o M/s. Dharambir Manoharlal, Haldwani	Indl.	1966-67	153667
59.	Shri Mahabir Kapoor (Late) L/H Smt. Sarla Kapoor C/o M/s. Indian Implements Manufacturing Co. Maris Road, Aligarh.	Indl.	1966-67 1967-68	138490 160000
60.	Shri M. L. Narang C/o M/s. Narang & Co., 17, Sunder Nagar Market, N. Delhi	Indl.	1966-67	1246481
61.	Shri Mridhu Hari Dalmia, 4, Scindia House, New Delhi.	Indl.	1970-71	117356
62.	Late M. L. Soni through Legal heirs Smt. Resham Devi & Mrs. M. L. Soni, P/o M/s. R. K. Machine Tools, Ludhiana.	Indl.	1966-67	214760
63.	Shri Niranjan Lal Jain, 110-D, Kamla Nagar, Delhi.	Indl.	1967-68 1968-69 1969-70 1966-67	120380 104200 118380 234280
64.	Shri Narinder Kumar Soni P/o R. K. Machine Tools, Ludhiana.	Indl.	1966-67	
65.	Shri Om Parkash Goyal, C/o M/s. R. S. Madhoram & Sons, Rajpur Road, Dehradun.	Indl.	1969-70	126610
66.	M/s. Om Parkash Modi & Son, Modi Nagar.	H.U.F.	1970-71	118196
67.	Smt. Preeto Devi C/o M/s. Jagtumul Kundan Lal, Patiala.	Indl.	1969-70	115590
68.	Shri O.P. Narang C/o M/s. Narang & Co., 17, Sunder Nagar Market, N. Delhi.	Indl.	1966-67	1157167
69.	Shri Promod Kumar C/o M/s. Indian Implements Mfg. Co., Marries Road, Aligarh.	Indl.	1967-68 1968-69 1961-62 1962-63 1966-67 1967-68	106200 132720 980850 976910 475190 334420
70.	Seth Puran Chand, 5, Curzon Road, New Delhi.	H.U.F.	1966-67	550720
71.	Shri Prem Chand P/o M/s. Rameshwar Dass Prem Chand, Rewari.	Indl.	1966-67	464350
72.	Shri Parkash Chand P/o M/s. Rameshwar Dass Prem Chand Rewari.	Indl.	1966-67	102226
73.	Shri Poonam Chand Rathi C/o Rathi Steel Rolling Mills, Shahdara, Delhi.	H.U.F.	1966-67	120211
74.	Shri Pyarelal Kapur C/o Amritsar Rayon & Silk Mills, Amritsar	H.U.F.	1968-69	
75.	Shri Raiendra Kumar Gupta P/o M/s. S. Chand & Co., Ram Nagar, N. Delhi	Indl.	1967-68	636789
76.	Shri Rama Lal C/o M/s. Jagtu Mal Kundan Lal, Patiala	Indl.	1968-69 1959-60 1958-59	102255 153561 113678
77.	Shri Rama Nand Jain, 110-D, Kamla Nagar, New Delhi	Indl.	1967-68 1968-69 1969-70	120260 132430 160700
78.	Smt. Ram Dulari C/o M/s. East Art Knitwear, Asafali Road, N. Delhi	Indl.	1966-67	198161
79.	Shri Rajeshwar Pershad C/o M/s. Nigar Talkies, Ambala Cantt.	H.U.F.	1970-71	115307
80.	Ch. Raghvendra Singh C/o Naaz Cinema, New Delhi	Indl.	1966-67 1967-68	159960 110631
81.	Shri Rameshwardass C/o M/s. Rameshwar Dass Prem Chand, Rewari.	Indl.	1966-67	648710
82.	Shri R.L. Narang C/o M/s. Narang & Co., 17, Sunder Nagar Market, New Delhi	Indl.	1966-67	1107064
83.	Shri R. Dalmia, 10, Daryaganj, Delhi.	Indl.	1966-67	1664870
84.	Shri Raghu Hari Dalmia, 4, Scindia House, New Delhi	Indl.	1970-71	122140
85.	Smt. Radha Devi Rathi C/o Rathi Steel Rolling Mills, Shahdara, Delhi.	Indl.	1966-67	109225
86.	Begum Rafat Zamani, 19, Friends Colony, New Delhi	Indl.	1967-68 1968-69	101961 120868
87.	Shri Raj Kumar Soni P/o R.K. Machine Tools, Ludhiana	Indl.	1966-67	211940
88.	Shri Ramesh Seth C/o Shiv Prakash Janak Raj & Co. Amritsar	Indl.	1966-67	201170
89.	Raj Kumar Seth C/o Shiv Prakash Janak Raj & Co., Amritsar	Indl.	1966-67	315635
90.	M/s R. K. Seth & Sons, Bombay	H.U.F.	1966-67	215368
91.	Shri Sham Lal Gupta P/o M/s. S. Chand & Co., Ram Nagar, N. Delhi	Indl.	1967-68	1114354
92.	Shri Sri Ram Jain, 110-D, Kamla Nagar, Delhi	Indl.	1967-68 1968-69 1969-70	121910 132430 151060
93.	Shri Sham Lal C/o Jagtumul Kundan Lal, Patiala.	Indl.	1968-69 1969-70	106333 105334
94.	Shri Suresh Chand C/o M/s. East Art Knitwear, Asafali Road, New Delhi	Indl.	1966-67	142428
95.	Master S. Krishana (Gunjan Gupta) through Shri H. C. Gupta, 23-A, Ashok Marg, Lucknow.	Indl.	1967-68 1968-69 1969-70	103050 223510 215580

1	2	3	4	5
96.	Shri Subodh Kumar C/o India Implements Mfg. Co., Marris Road, Aligarh	Indl.	1966-67 1967-68 1968-69	147910 120870 141410
97	Shri Sudhir Kumar C/o Indian Implements Mfg. Co., Marris Road, Aligarh	Indl.	1966-67 1967-68 1968-69 1969-70	209770 183530 196520 127220
98	Shri Surendra Kumar C/o Indian Implements Mfg. Co., Marris Road, Aligarh	Indl.	1966-67 1967-68	130140 113570
99	S. Sucha Singh Anand C/o M/s Fire Stone Tyre & Rubber Co., (P) Ltd., Kashmeri Gate, Delhi	Indl.	1962-63 1966-67	337964 192940
100	M/s. Shiamlal Chimanlal, Freeganj, Agra	H.U.F.	1965-66	140300
101	Satish Kumar Behal P/o Pearl Woollen Mills No. 1, Ludhiana	Indl.	1966-67	418750
102	Shiv Kumar Gupta P/o M/s. Metal Products of India, Chandigarh	Indl.	1966-67	142136
103	Shiv Parkash Seth C/o Shiv Parkash Janak Raj & Co., Amritsar	Indl.	1966-67	281810
104	S. Surinder Singh Kairon C/o Neelam Theatre, Section 17, Chandigarh	Indl.	1966-67	229485
105	Satish Kapur C/o Amritsar Rayon & Silk Mills, Amritsar	Indl.	1968-69	113908
106	Smt. Usha Narain C/o M/s. Jagtumul Kundan Lal Patiala	Indl.	1966-67	213461
107	Shri Vinod Kumar C/o M/s Indian Implements Manufacturing Co., Marris Road, Aligarh	Indl.	1967-68 1968-69	114230 146820
108	Vijay Kumar Behal P/o Pearl Woollen Mills No. 1, Ludhiana	Indl.	1966-67	419830
109	Vinod Kumar Soni P/o R. K. Machine Tools, Ludhiana	Indl.	1966-67	215080
110	Vidya Parkash C/o Amritsar Rayon & Silk Mills, Amritsar	Indl.	1968-69	111612
111	Vipin Kumar C/o Amritsar Rayon & Silk Mills, Amritsar	Indl.	1968-69	114431
112	Shri Yudu Hari Dalmia, 4, Scindia House, New Delhi	Indl.	1970-71	161900
112A.	Sh. Sangram Singh Mehta, Prop. M/s. Import Export Corporation of Pondichery, Bara Gangaore-ka-Rasta, Jaipur	Indl.	1966-67	1146780
II. The Names of firms, A.O. Ps., & Companies.				
1	M/s. Amrit Binaspati Co. Ltd., G.T. Road, Gaziabad.	Co.	1966-67	1828920
2	M/s. Allenberry & Co. (P) Ltd., Daryaganj, Delhi-6	Co.	1949-50 1950-51 1951-52 1952-53 1944-45	10731090 6965910 5115734 9395258 2353660
3	Amritsar Rayon & Silk Mills (P) Ltd., Amritsar	Co.	1967-68	1153140
4	M/s. Bharat Nidhi Ltd., Bahadur Shah Zafar Marg, New Delhi	Co.	1967-68	1697370
5	M/s. Chaman Lal Bros., 167, P.D. Mello Road, Bombay	R. F.	1958-59 1959-60	2307660 1467710
6	M/s. Dalmia Cement Distributors (P) Ltd., 4, Scindia House, New Delhi	Co.	1966-67 1967-68 1968-69 1969-70	1281774 1304369 1536917 1447420
7	M/s. Dalmia Cement (Bharat) Ltd., 4, Scindia House, New Delhi	Co.	1961-62 1966-67	4961500 1936188
8	M/s. Dalmia Dadri Cement Ltd., 10, Darya Ganj, Delhi-6.	Co.	1967-68	4772527
9	M/s. Dalmia Jain Airways Ltd., (under liquidation), 10, Daryaganj, Delhi.	Co.	1949-50	8994360
10	M/s. East Art Knitwear, Asafali Road, New Delhi	R.F.	1966-67	1510905
11	M/s. Escorts Ltd., Escorts House, Roshanara Road, Delhi-7.	Co.	1966-67	5817412
12	M/s. Goetze (India) Ltd., Escorts House, Roshanara Road, Delhi-7.	Co.	1967-68	2936729
13	M/s. Globe Motors Ltd., 1/1, Jhandewalan Extension, New Delhi	Co.	1966-67	1373397
14	M/s. Hindustan Metals Works, Hathras (U. P.)	R.F.	1965-66 1966-67	1121220 1284165
15	M/s. Indian Implements Mfg. Co., Marris Road, Aligarh	R. F.	1966-67	1121450
16	M/s. India Products, 116/2, Kotla Mubarak Pur, New Delhi	U. R. F.	1966-67	3251492
17	M/s. Jain Bros. Hauz Kazi, Delhi	R. F.	1966-67	3476840
18	M/s. Jaipur Udyog Ltd., Swaimadhapur	Co.	1966-67	8034955
19	M/s. Jagatjit Distilling & Allied Industries (P) Ltd., 54, Ring Road, Lajpat Nagar-III, New Delhi	Co.	1966-67	1223104
20	M/s. Kailash Motors, G.T. Road, Kanpur	R. F.	1969-70	1582470
21	M/s. Modi Industries Ltd., Modinagar	Co.	1966-67	4983740
22	M/s. Modi Spg. & Wvg. Mills Ltd., Modinagar	Co.	1966-67	5472645
23	M/s. Orissa Cement Ltd., 4, Scindia House, New Delhi	Co.	1966-67	9357079
24	M/s. Pearl Wollen Mills No. 1, 425 Industrial Area-A, Ludhiana.	R. F.	1966-67	2343260
25	M/s. Rameshwardass Premchand, Rewari	R. F.	1966-67	2962520
26	M/s. R. K. Machine Tools, Industrial Area, Ludhiana	R. F.	1966-67 1968-69 1969-70	1174510 1967640 2583288
27	M/s. Sharpedge Ltd., Escorts House, Roshanara Road, Delhi-7	Co.	1965-66	2234885
28	M/s. Steel (1957) (P) Ltd. 167, P. D. Mello Road, Bombay	Co.	1962-63	1276430
29	M/s. Simbholi Sugar Mills (P) Ltd., Simbholi, Distt. Meerut	Co.	1966-67	1637640
30	M/s. Swadeshi Cotton Mills Co., Ltd., Swadeshi House, Civil Lines, Kanpur	Co.	1948-49 1949-50 1950-51 1952-53	5872000 9062290 4245330 2864080

1	2	3	4	5
31	Shiv Parkash Janak Raj & Co., Amritsar	R. F.	1958-59	1181742
32	M/s Seth Industres (P) Ltd.	Co.	1966-67	1584333
33	M/s Upper Doab Sugar Mills, Ltd., Shamli, Distt. Mauzaffarnagar	Co.	1966-67	1706380

[No. 2 (F.No. SI/PN (2)/C/71-72]

P.L. MALHOTRA,

Commissioner of Income Tax,

प्राय कर प्राप्त कार्यालय

नई दिल्ली, 17 फरवरी, 1972

एस० नो० 1046:—प्राय कर अधिनियम, 1961 (1961 का 43) की धारा 237 के अनुसार भारत सरकार वित्त मंत्रालय (राजस्व एवं बीमा विभाग) नई दिल्ली के आदेश एफ सं० 16/202/67-आई० टी० बी० दिनांक 23-3-1969 द्वारा केन्द्रीय सरकार से प्राधिकृत एवं निदेशित, निम्नलिखित निर्धारितियों, जिनका वित्तीय वर्ष 1970-71 के दौरान निर्धारण हुआ है, के नाम और उनसे सम्बन्धित अन्य विवरणों को एतद्वारा प्रकाशित किया जाता है :—

- (i) वार्षिकियों या हि० अ० कु० कुटुम्बों, जिनका 1 लाख रुपये से अधिक की आय पर निर्धारण हुआ है।
- (ii) फर्मों, व्यक्ति संगम या कम्पनियों, के रूप में जिनका 10 लाख रुपये से अधिक की आय पर निर्धारण हुआ है :

क्रम संख्या	निर्धारित का नाम व पता	प्रास्थिति	निर्धारण वर्ष	निर्धारित आय
1		3	4	5
1	श्री अनिल मोहन गुप्त द्वारा मैसर्स आटो सेल्स, पी० डी० टण्डन रोड, इलाहाबाद	व्यक्ति	1968-69	145830
			1969-70	154710
2	श्री अजित कुमार, द्वारा इण्डिया इम्प्लीमेंट मैनुफैक्चरिंग क०, मारिस रोड, अलीगढ़	व्यक्ति	1967-68	117250
			1968-69	141920
3	श्री अशोक कुमार भागीदार मैसर्स रामेश्वर दास, प्रेम चन्द, रिवाड़ी	व्यक्ति	1966-67	463600
4	श्री अजय हरि डालमिया, 4, सिंधिया हाउस, नई दिल्ली	व्यक्ति	1970-71	132310
5	श्री अमर नाथ कपूर, जनरल गंज, कानपुर	व्यक्ति	1968-69	139550
			1969-70	108520
			1970-71	119080
6	वखशी अब्दुल मजीद, पेम्पोश होटल, रेजीडेन्सी रोड, श्रीनगर	व्यक्ति	1954-55	154230
			1955-56	468230
			1956-67	181900
7	मास्टर बाबू (पंकज गुप्त) द्वारा एल० देवीचन्द, पी० डी० टण्डन रोड, इलाहाबाद	व्यक्ति	1969-70	106450
8	सेठ बनारसी दास गुप्त द्वारा मैसर्स जसवन्त शुगर मिल्स लि०, मेरठ	व्यक्ति	1966-67	141590
9	सेठ बनारसीदास गुप्त द्वारा मैसर्स जसवन्त शुगर मिल्स, लि०, मेरठ	हि० अ० कु०	1959-60	784892
			1960-61	733990
			1966-67	910560

1	2	3	4	5
10	श्री बी० के० वेदी, 38, पूसा रोड, नई दिल्ली	व्यष्टि	1966-67 1967-68	165450 105220
11	श्री बलदेव कृष्ण बहल, भागीदार पेलें झूलन मिल्स, नं० 1, लुधि- याना	व्यष्टि	1966-67	432110
12	श्री बालचन्द मोनी, भागीदार मैसर्स आर० के० मशीन टूल्स, लुधि- याना	व्यष्टि	1966-67	212480
13	मैसर्स बी० डी० सेड एण्ड सन्स, कलकत्ता 1	हि० अ० कु०	1961-62	105160
14	श्री चरन दास द्वारा मैसर्स जगतमल कुन्दन लाल, पटियाला	व्यष्टि	1968-69 1969-70 1958-59	139886 113027 181983
15	श्री सी० एम० गुप्त द्वारा मैसर्स आटो सेल्स, पी० डी० टण्डन रोड, इलाहाबाद	व्यष्टि	1969-70	109950
16	श्री चान्द रतन राठी द्वारा राठी स्टील रोलिंग मिल्स, शाहदरा, दिल्ली	हि० अ० कु०	1966-67	158733
17	श्री चरनजीत सिंह द्वारा ओरियन्टल बिल्डिंग एण्ड फर्निशिंग क० (प्रा०) लि०, नई दिल्ली	व्यष्टि	1969-70 1969-70	146670 195739
18	श्री धर्मवीर द्वारा मैसर्स धर्मवीर मनोहरलाल, हलद्वानी	हि० अ० कु०	1966-67	322115
19	श्री दुर्गाप्रसाद भागीदार श्री रामेश्वर दास प्रेम चन्द, रिवाड़ी	व्यष्टि	1966-67	324030
20	श्री दलजीत सिंह द्वारा ओरियन्टल बिल्डिंग एण्ड फर्निशिंग क० (प्रा०) लि०, नई दिल्ली	व्यष्टि	1969-70 199-71	185000 219690
21	श्री धर्मपाल सेड द्वारा शिव प्रकाश जनकराज एण्ड क०, अमृतसर	व्यष्टि	1966-67	211570
22	श्री एक० सी० मेहरा, 13-बी, राजेंद्र पार्क, नई दिल्ली	व्यष्टि	1959-60 1960-61 1966-67	270054 602554 676299
23	राय बहादुर गूजरमल मोदी, मोदी नगर	व्यष्टि	1961-62 1966-67	111676 115778
24	श्री गोपाल चन्द, भागीदार मैसर्स रामेश्वर दास प्रेम चन्द, रिवाड़ी	व्यष्टि	1966-67	465350
25	श्री ज्ञान चन्द भागीदार रामजीदास र मबिलाग, कृष्णा नदवा, दिल्ली-61	व्यष्टि	1963-64 1964-65	154825 332778
26	एस० गोरिन्दर सिंह करो, द्वारा नीलम थियेटर, अमृतसर	व्यष्टि	1966-67	152880
27	श्री एच० पी० नन्दा, 12, जोरबाग, नई दिल्ली	व्यष्टि	1967-68 1968-69	174586 162125
28	श्री एच० सी० गुप्ता, 23-ए, अशोक मार्ग, लखनऊ	व्यष्टि	1967-68	126940
29	बक्शी हाजी गुलाम नबी भागीदार हाजी गुलाम नबी नूददीन एण्ड क० रेजीडेन्सी रोड, श्रीनगर	व्यष्टि	1958-59	145130
30	श्री हरिकिशन राठी, द्वारा राठी स्टील रोलिंग मिल्स, शाहदरा, दिल्ली	हि० अ० कु०	1966-67	265598
31	श्री आई० सी० गुप्त द्वारा मैसर्स कैलाश मोटर्स, जी० टी० रोड, कानपुर	व्यष्टि	1968-69 1969-70 1970-71	115150 133610 113810

1	2	3	4	5
32	एम० इन्दर सिंह द्वारा मैसर्स दि सिंह इंजीनियरिंग वर्क्स (प्रा०) लि० कानपुर	व्यष्टि	1970-71	102850
33	श्री जगदीश राम जैन, 110-डी, कमलानगर, दिल्ली	व्यष्टि	1967-68 1968-69 1969-70	123080 105250 128235
34	श्री जगदीश राम जैन, 110 डी०, कमलानगर, दिल्ली	हि० अ० कु०	1966-67	180703
35	श्री जोगिन्दर सिंह, 12, रोशनारा रोड, दिल्ली	व्यष्टि	1966-67	118385
36	श्रीमती जोगवती देवी द्वारा मैसर्स जगत मल कुन्दनलाल, पटियाला	व्यष्टि	1969-70	117027
37	श्री जे० डालमिया, 4, मिथिया हाउस, नई दिल्ली	व्यष्टि	1970-71	155312
38	श्री जय हरि डालमिया, 4, मिथिया हाउस, नई दिल्ली	व्यष्टि	1970-71	112564
39	श्री जिवन्द भागीदार मैसर्स एरोप्लेन शू फैक्टरी, कारोल बाग, दिल्ली	व्यष्टि	1969-70	136308
40	श्री जे० आर० मलिक द्वारा ईरोज गोल्ड स्टोरेज, रेलवे रोड, गुडगांव	व्यष्टि	1964-65 1965-66	168000 162000
41	श्री जगदीश लाल बहल, मालिक पर्ल कूलन मिल्स, नं० 1, लुधियाना	व्यष्टि	1966-67	426010
42	श्री जनक राज सेठ, द्वारा शिवप्रकाश जनकराज एण्ड कं०, अमृतसर	व्यष्टि	1966-67	203539
43	श्री जेठानन्द मानकचन्द, 144, सेमुअल स्ट्रीट, बम्बई	व्यष्टि	1965-66	110420
44	मास्टर के० किशोर (राजेश गुप्त) द्वारा श्री एच० सी० गुप्त 23-ए, अशोक मार्ग, लखनऊ	व्यष्टि	1967-68 1968-69	106870 133740
45	श्री कैलाश चन्द गुप्त, 53 गांधी रोड वेहराडून ।	व्यष्टि	1968-69 1969-70	135890 167660
46	श्री के० एम० मोदी, मोदी नगर	व्यष्टि	1962-63	137189
47	श्री के० एन० मोदी, मोदी नगर	व्यष्टि	1961-62	111727
48	श्री खिल्ली राम, रिवाड़ी	हि० अ० कु०	1966-67	435710
49	श्री कैलाश लाम्बा मलिक मैसर्स कान्डीनेन्टल फनिशर्स, पचकुई रोड नई दिल्ली	व्यष्टि	1963-64 1964-65 1966-67	199450 126070 187909
50	श्री के० जी खोसला, 1, देशबन्धु गुप्ता रोड नई दिल्ली	व्यष्टि	1966-67 1967-68 1968-69	122066 141957 107263
51	श्री एल० पी० जायसवाल-54 रिंग रोड लाजपत नगर-III नई दिल्ली	व्यष्टि	1968-69 1969-70 1970-71	105596 213718 251072
52	श्री कान्ति कुमार बहल, मालिक पर्ल बूलन मिल्स नं० 1, 425, इन्डस्ट्रीयल एरिया, लुधियाना	व्यष्टि	1966-67	431150
53	श्रीमती लाजकौर द्वारा मैसर्स ओरियन्टल बिल्डिंग एण्ड फनिशिंग कं० (प्रा०) लि०, कनाट प्लेस, नई दिल्ली	व्यष्टि	1967-68	212677
54	श्री एम० आर० धवन, 4/8 आसफ अली रोड, नई दिल्ली	व्यष्टि	1966-67	196404
55	स्वर्गीय श्री मुरारी लाल द्वारा उसके वैध उत्तराधिकारी श्री श्याम लाल द्वारा जगत्मल कुन्दन लाल, पटियाला	व्यष्टि	1967-68 1968-69 1969-70	103970 103897 100489

1	2	3	4	5
56	मास्टर मुन्ना (अजय गुप्त) द्वारा श्री एच० सी० गुप्त, 23-ए, अशोक मार्ग, लखनऊ	व्यष्टि	1967-68 1968-69 1969-70	105760 130890 171400
57	श्री एम० सी० गुप्त, 53, गांधी रोड देहरादून	व्यष्टि	1967-68 1968-69 1969-70	110122 149230 198240
58	श्री मनोहर लाल द्वारा मैसर्स धर्मवीर मनोहरलाल, हल्द्वानी	व्यष्टि	1966-67	153667
59	श्री महावीर कपूर (स्वर्गीय) वैध उत्तराधिकारी श्रीमती सरला कपूर द्वारा मैसर्स इण्डियन इम्प्लीमेंट्स मैन्युफैक्चरिंग कं०, मारिष रोड अलीगढ़	व्यष्टि	1966-67 1967-68	138490 160000
60	श्री एम० एल० नारंग द्वारा मैसर्स नारंग एण्ड कं० 17, सुन्दर नगर मार्किट, नई दिल्ली	व्यष्टि	1966-67	1246481
61	श्री मृदयु हरि बालमिया, 4, सिधिया हाऊस, नई दिल्ली	व्यष्टि	1970-71	117356
62	स्वर्गीय एम० एल० सोनी वैध उत्तराधिकारी श्रीमती रेशम देवी तथा श्रीमती एम० एल० सोनी, भागीदार मैसर्स आर० के० मशीन टूल्स, लुधियाना	व्यष्टि	1966-67	214760
63	श्री निरन्जन लाल जैन, 110-डी०, कमला नगर, दिल्ली	व्यष्टि	1967-68 1968-69 1969-70	120380 104200 118380
64	श्री नरेन्द्र कुमार सोनी भागीदार आर० के० मशीन टूल्स, लुधियाना	व्यष्टि	1966-67	234280
65	श्री ओम प्रकाश गोयल द्वारा मैसर्स आर० एस० माधोराम एण्ड सन्स राजपुर रोड देहरादून	व्यष्टि	1969-70	126610
66	मैसर्स ओम प्रकाश मोदी एण्ड सन्स, मोदीनगर	हि०अ०कु०	1970-71	118190
67	श्रीमती प्रतो देवी द्वारा मैसर्स जगतमल कुन्दन लाल पटियाला	व्यष्टि	1969-70	115590
68	श्री ओ० पी० नारंग, द्वारा मैसर्स नारंग एण्ड कं०, 17 सुन्दर नगर मार्किट, नई दिल्ली	व्यष्टि	1966-67	1157167
69	श्री प्रमोद कुमार द्वारा मैसर्स इण्डियन इम्प्लीमेंट्स मैन्युफैक्चरिंग कं० मारियम रोड अलीगढ़	व्यष्टि	1967-68 1968-69	106200 132720
70	सेठ पूरन चन्द. 5 कर्जन रोड, नई दिल्ली	हि०अ०कु०	1961-62 1962-63 1966-67 1967-68	980850 976910 475190 334420
71	श्री प्रेम चन्द, भागीदार मैसर्स रामेश्वर दास प्रेम चन्द, रिवाड़ी	व्यष्टि	1966-67	550720
72	श्री प्रकाश चन्द, भागीदार मैसर्स रामेश्वर दास प्रेमचन्द, रिवाड़ी	व्यष्टि	1966-67	464350
73	श्री पूनम राठी, द्वारा राठी स्टील रोलिंग मिल, शाहदरा, दिल्ली	हि०अ०कु०	1966-67	102226
74	श्री प्यारेलाल कपूर, द्वारा अमृतसर रेयन एण्ड मिल्स, अमृतसर	हि०अ०कु०	1968-69	120211
75	श्री राजेन्द्र कुमार गुप्त, भागीदार मैसर्स एस० चांद एण्ड कं०, रामनगर नई दिल्ली	व्यष्टि	1967-68	636789
76	श्री राम लाल द्वारा मैसर्स जगत मल कुन्दन लाल, पटियाला	व्यष्टि	1968-69 1959-60 1958-59	102255 153561 113678

1	2	3	4	5
77	श्री रामानन्द जैन, 110-डी, कमला नगर, नई दिल्ली	व्यष्टि	1967-68	120260
			1968-69	132430
			1969-70	160700
78	श्रीमती राम कुलारी द्वारा मैसर्स ईस्ट आर्ट निटवियर, आसफअली रोड, नई दिल्ली	व्यष्टि	1966-67	108121
79	श्री राजेश्वर प्रसाद द्वारा मैसर्स निगार टाकीज, अम्बाला कैन्ट	हि०अ०कु०	1970-71	111507
80	चोधरी राधबेन्द्र सिंह द्वारा नाज मिनेमा, नई दिल्ली	व्यष्टि	1966-67	159960
			1967-68	110631
81	श्री रामेश्वरदास द्वारा मैसर्स रामेश्वरदास प्रेमचन्द, रिवाड़ी	व्यष्टि	1966-67	648710
82	श्री आर० एल० नारंग द्वारा मैसर्स नारंग एण्ड कं० 17, सुन्दर नगर मार्केट, नई दिल्ली	व्यष्टि	1966-67	1107064
83	श्री आर० डालमिया, 10, दरियागंज, दिल्ली	व्यष्टि	1966-67	1664870
84	श्री रघुहरि डालमिया, 4, मिथिया हाउस, नई दिल्ली	व्यष्टि	1970-71	122140
85	श्रीमती राधादेवी राने, द्वारा राठी स्टील रोलिंग मिल्स, शाहदरा, दिल्ली	व्यष्टि	1966-67	109225
86	बेगम रफत जमानी, 19, फ्रन्ड्स कालोनी, नई दिल्ली	व्यष्टि	1967-68	101961
			1968-69	120868
87	श्री राजकुमार सोनी, भागीदार आर० के० मशीन टूल्स, लुधियाना	व्यष्टि	1966-67	211940
88	श्री रमेश सेठ, द्वारा शिवप्रकाश जनकराज एण्ड कं० अमृतसर	व्यष्टि	1966-67	201770
89	राजकुमार सेठ, द्वारा शिव प्रकाश जनकराज एण्ड कं०, अमृतसर	व्यष्टि	1966-67	315635
90	ममर्स आर० के० सेठ एण्ड संस बम्बई	हि०अ०कु०	1966-67	215368
91	श्री श्याम लाल गुप्त भागीदार मैसर्स एस चांद एण्ड कं० राम नगर, नई दिल्ली	व्यष्टि	1967-68	1114354
92	श्री राम जैन, 110-डी, कमला नगर, दिल्ली	व्यष्टि	1967-68	121910
			1968-69	132430
			1969-70	151060
93	श्री श्यामलाल द्वारा जगतमल कुन्दन लाल, पटियाला,	व्यष्टि	1968-69	106333
			1969-70	106334
			1969-70	105334
94	श्री सुरेश चन्द द्वारा मैसर्स ईस्ट आर्ट निटवियर, आसफ अली रोड, दिल्ली	व्यष्टि	1966-67	142428
95	मास्टर एम० कृष्णा (गुन्जन गुप्त) द्वारा श्री एच० सी० गुप्त, 23-ग, अशोक मार्ग, लखनऊ	व्यष्टि	1967-68	103050
			1968-69	223510
			1969-70	215580
96	श्री सुबोध कुमार द्वारा इण्डिया इम्प्लीमेंट्स मेनुफैक्चरिंग कं० मारिस रोड, अलीगढ़	व्यष्टि	1966-67	147910
			1967-68	120870
			1968-69	141410
97	श्री सुधीर कुमार द्वारा इण्डियन इम्प्लीमेंट्स मेनुफैक्चरिंग कं० मारिस रोड, अलीगढ़	व्यष्टि	1966-67	209770
			1967-68	183530
			1968-69	196520
			1969-70	127220

1	2	3	4	5
98	श्री सुरेन्द्र कुमार द्वारा इण्डियन इम्प्लीमेंट्स मेनुफैक्चरिंग कं०, मारिस रोड, अलीगढ़	व्यष्टि	1966-67 1967-68	130140 113570
99	एस० मुचा सिंह, आनन्द, द्वारा मैसर्स फायर स्टोन टायर एण्ड रबर क० (प्रा०) लि०, कश्मीरी गेट, दिल्ली	व्यष्टि	1962-63 1966-67	337964 192940
100	मैसर्स श्याम लाल चिमन लाल, फीगज, आगरा	हि०ज०कु०	1965-66	140300
101	श्री सतीश कुमार बहल, भागीदार पर्ल वूलन मिल्स न० 1, लुधियाना	व्यष्टि	1966-67	418750
102	श्री शिव कुमार गुप्त, भागीदार मैसर्स मेटल प्रोडक्ट्स आफ इण्डिया चण्डीगढ़	व्यष्टि	1966-67	142136
103	श्री शिव प्रकाश सेठ, द्वारा शिव प्रकाश जनक राज एण्ड कं० अमृतसर	व्यष्टि	1966-67	281810
104	श्री एम० सुरेन्द्र सिंह कैरो द्वारा नोलम थिएटर मेक्टर 17, चण्डीगढ़	व्यष्टि	1966-67	229485
105	श्री सतीश कपूर, द्वारा अमृतसर रेयन एण्ड सिल्क मिल्स, अमृतसर	व्यष्टि	1968-69	113908
106	श्रीमती उषा नारायन द्वारा मैसर्स जगतमल कुन्दनलाल, पटियाला	व्यष्टि	1966-67	213461
107	श्री विनोद कुमार द्वारा मैसर्स इण्डियन इम्प्लीमेंट्स मेनुफैक्चरिंग कं०, मारिस रोड अलीगढ़	व्यष्टि	1967-68 1968-69	114230 146820
108	श्री विजय कुमार बहल, भागीदार पर्ल वूलन मिल्स न० 1, लुधियाना	व्यष्टि	1966-67	419830
109	श्री विनोद कुमार सौनी, भागीदारी आर० के० मशीन टूल्स, लुधियाना	व्यष्टि	1966-67	215080
110	श्री विद्या प्रकाश, द्वारा अमृतसर रेयन एण्ड सिल्क मिल्स, अमृतसर	व्यष्टि	1968-69	111612
111	श्री विपन कुमार, द्वारा अमृतसर रेयन एण्ड सिल्क मिल्स, अमृतसर	व्यष्टि	1968-69	114431
112	श्री यदु हरि डालमिया, 4, सिधिया हाउस नई दिल्ली	व्यष्टि	1970-71	161900
113	श्री मग्नम सिंह मेहता भागीदार मैसर्स इम्पोर्ट एक्सपोर्ट कारपोरेशन आफ पांडवेरी बाड़ा गंगौरे का रास्ता जयपुर	व्यष्टि	1966-67	1146780

11 फर्मों, व्यक्ति संगम तथा कम्पनियों के नाम

1	2	3	4	5
1	मैसर्स अमृत वनस्पति कं० लि०, जी टी० रोड, गाजियाबाद	कम्पनी	1966-67	1828920
2	मैसर्स एलनबेरी एण्ड कं० (प्रा०) लि०, 10, दरियागंज, दिल्ली-6	कम्पनी	1949-50 1950-51 1951-52 1952-53 1944-45	10731090 695910 5115734 9395258 2353660
3	अमृतसर रेयन एण्ड सिल्क मिल्स (प्रा०) लि०, अमृतसर	कम्पनी	1967-68	1153140
4	मैसर्स भारत निधि लि०, बहादुरशाह जफर मार्ग, नई दिल्ली	कम्पनी	1967-68	1697370
5	मैसर्स चमनलाल एण्ड ब्रदर्स, 167, पी० डी० मेलो रोड, बम्बई	पं० फर्म	1958-59 1959-60	2307660 1467710
6	मैसर्स डालमिया सिमेंट डिस्ट्रीब्यूटर्स (प्रा०) लि०, 4, सिधिया हाउस, नई दिल्ली	कम्पनी	1966-67 1967-68 1968-69 1969-70	1281774 1304369 1536917 1447420

1	2	3	4	5
7	मैसर्स डालमिया सीमेंट (भारत) लि०, 4, सिधिया हाउस, नई दिल्ली	कम्पनी	1961-62	4961500
8	मैसर्स डालमिया दादरी सीमेंट लि०, 10, दरियागंज, दिल्ली-6	कम्पनी	1966-67	1936188
			1967-68	4772527
9	मसर्स डालमिया जैन एयर बेज लि०, (ग्रन्डर लिक्विडेशन), 10, दरियागंज, दिल्ली	कम्पनी	1949-50	8994360
10	मैसर्स ईस्ट आर्ट निट्रिवियर, आसफ अली रोड, नई दिल्ली	पं० फर्म	1966-67	1510905
11	मैसर्स एस्कोर्ट्स लि० एस्कोर्ट्स हाउस, रोशनारा रोड, दिल्ली-7	कम्पनी	1966-67	5817412
12	मैसर्स गोडटेज लि०, एमकोर्ट्स हाउस, रोशनारा रोड, दिल्ली-7	कम्पनी	1967-68	2936729
13	मैसर्स ग्लोब मोटर्स लि०, 1/1, संडेवादान एक्सटेन्शन, नई दिल्ली	कम्पनी	1966-67	1373397
14	मैसर्स हिन्दुस्तान मेटल वर्क्स, हाथरस (उत्तर प्रदेश)	पं० फर्म	1965-66	1121220
			1966-67	1284165
15	मैसर्स इण्डियन इम्पलीमेंट्स मैनूफैक्चरिंग कं०, भारिस रोड, अलीगढ़	पं० फर्म	1966-67	1121450
16	मैसर्स इण्डिया प्रोडक्ट्स, 116/2 कोटला मूबारकपुर, नई दिल्ली	पं० फर्म	1966-67	3251492
17	मैसर्स जैन ब्रादर्स, हौज काजी दिल्ली	पं० फर्म	1966-67	3476840
18	मैसर्स जयपुर उद्योग लि०, सवाई माधोपुर	कम्पनी	1966-67	8034955
19	मैसर्स जगत जीत डिसटीलिंग एण्ड एलाइड इन्डस्ट्रीज (प्रा०) लि०, 54, रिंग रोड, लाजपत नगर-III, नई दिल्ली	कम्पनी	1966-67	1223104
20	मैसर्स कैलाश मोटर्स, जी० टी० रोड, कानपुर	पं० फर्म	1969-70	1582470
21	मैसर्स मोदी इण्डस्ट्रीज लि०, मोदीनगर	कम्पनी	1966-67	4983740
22	मैसर्स मोदी स्पिनिंग एण्ड बीडिंग मिल्स लि०, मोदीनगर	कम्पनी	1966-67	5472645
23	मैसर्स उड़ीसा सीमेंट लि०, 4, सिधिया हाउस, नई दिल्ली	कम्पनी	1966-67	9357079
24	मैसर्स पर्ल वूलन मिल्स नं० 1, 425, इन्डस्ट्रीयल एरिया, लुधियाना	पं० फर्म	1966-67	2343260
25	मैसर्स रामेश्वरदास प्रेमचन्द, रिवाड़ी	पं० फर्म	1966-67	2962520
26	मैसर्स आर० के० मशीन टूल्स इन्डस्ट्रीयल एरिया, लुधियाना	पं० फर्म	1966-67	1174510
27	मैसर्स शारपेज लि० एस्कोर्ट्स हाउस, रोशनारा रोड, दिल्ली-7	कम्पनी	1968-69	1967640
			1969-70	2583288
28	मैसर्स स्टील (1957) प्रा० लि०, 167, पी० डी० मेलो रोड, बम्बई	कम्पनी	1965-66	2234885
29	मैसर्स सिम्मावली शूगर मिल्स (प्रा०) लि०, सिम्मावली, जिला मेरठ	कम्पनी	1962-63	1276430
30	स्वदेशी वाटन मिल्स कं० लि०, स्वदेशी हाउस, सिविल लाइन्स कानपुर	कम्पनी	1966-67	1637640
			1948-49	5872000
			1949-50	9062290
			1950-51	4245330
			1952-53	2864080
31	शिवप्रकाश जनकराज एण्ड कं० अमृतसर	पं० फर्म	1958-59	1181742
32	मैसर्स सेठ इण्डस्ट्रीज (प्रा०) लि० बम्बई	पं० कम्पनी	1966-67	1584333
33	मैसर्स अपर दोआब शूगर मिल्स लि०, शामली, जिला मऊफरनगर	कम्पनी	1966-67	1706380

[संख्या एफ० सं० एस० आई०/पी० एम० (2)/सी०/71-72]

पी० एल० मलहोत्रा,

अध्यक्ष आयुक्त ।

MINISTRY OF LABOUR AND REHABILITATION
(Department of Labour and Employment)

New Delhi, the 28th April 1972

S.O. 1047.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Samla Colliery, Post Office Pandaveshwar District Burdwan and their workmen, which was received by the Central Government on the 24th April, 1972.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA**

REFERENCE No. 67 of 1971

PARTIES:

Employers in relation to the management Samla Colliery.

AND

Their workmen.

PRESENT:

Shri S. N. Bagchi—Presiding Officer.

APPEARANCES:

On behalf of Employers—Sri K. Das Gupta, Group Labour Officer.

On behalf of Workmen—Sri B. Malkhandi, Bar-at-Law.

STATE: West Bengal.

INDUSTRY: Coal Mine.

AWARD

The Central Government, being of the opinion that an Industrial dispute exists between the employers in relation to the management of Samla Colliery, Post office Pandaveshwar District Burdwan and their workmen in respect of the matters specified hereinbelow:

“Whether the management of Samla Colliery, Post Office Pandaveshwar, District Burdwan was justified in stopping from work Sarvashri Balendra Roy, Pump Khalasi Tarapada Acharya, Shot-firer, Madhob Pal, Shot-firer Mazdoor and Sarvashri Bahadur Roy, Narayan Ghosh, Pado Bouri, Ram Bouri, Bibaran Bouri and Gora Chandra Monda, Bhota Dusodh, General Mazdoor with effect from the 8th October, 1969. If not, to what relief are they entitled?”

referred the same for adjudication before this tribunal *vide* Order No. L. 1912/35/71-LRIL, dated 8th May, 1971.

2. The reference was registered and parties were asked to file their written statements. The management filed its written statement of its case on 12th July, 1971. The workmen through the union filed the written statement of its case on 17th July, 1971. On 2nd August, 1971 the management filed a rejoinder to the Union's statement. On 22nd March, 1972 the under adjudication came up for final hearing.

3. The union represented by Mr. B. Malkhandi, Bar-at-Law, appeared for the workmen. The management was represented by Mr. K. Das Gupta, Group Labour Officer.

4. At the opening of their respective cases Mr. Malkhandi submitted that the union would prove only the cases of three workmen, viz. Tarapada Acharya, Madhob Pal and Narayan Ghosh and would not proceed with the case relating to other workmen. After hearing the representatives of both the sides the following points were settled for decision:

(1) Did all the workmen themselves, and/or all the workmen through the Union duly approached and raised the dispute under reference either themselves or under the aegis of the union, before the management at any

time before approaching the Labour Conciliation Officer? If not, is the reference competent in law?

- (ii) How many continuous years of service was rendered by the three workmen referred to above? Do any one/or all of them come within the scope of Section 25B & 25C and explanation thereto of the Industrial Disputes Act? If not, can any of them get any relief available under Chapter VA of the Act?
- (iii) Was each of the workmen a purely casual labourer employed intermittently as such by the management on a purely temporary basis? If so, can they get any relief under the law?
- (iv) Did each of the workman work as “badli workman”? If so, and for which period and during which year?
- (v) What Lawful reliefs may be availed of by each of the workman upon proved circumstances of their respective cases?

The dispute under reference for adjudication is now confined between the management and the three workmen though the reference is in respect of 10 workmen.

5. The management in its written statement filed on 12th July 1971 stated that the dispute was at no time discussed or raised with the management before the present reference and as such the reference is not maintainable. Tarapada Acharya, Madhob Pal and Narayan Ghose, the three workmen worked at Samla colliery of the management for short and intermittent periods in specific Badli Vacancies. Tarapada Acharya worked only for 72 days in 1968 and 1074 days in 1969. Madhob Pal worked for 2 days in 1968 and 20 days in 1969 and Narayan Ghose worked only for 5 days in 1969. Tarapada Acharya last worked only for 5 days in 1969. Tarapada Acharya last worked in the colliery on 15th December, 1969. Madhob Pal last worked in the colliery on 30th September, 1969 and Narayan Ghose last worked in the colliery on 15th July, 1969. None of these three workmen worked on any date subsequent to those dates mentioned above. None of the three workmen was employed in any single post. Each of them was employed in various posts according to the exigencies of work. Tarapada Acharya was in no time employed as a Shot-firer as he had never held the qualification prescribed for a Shot-firer under the Mines Regulation, 1957. In reply to the management's statement of case the union represented by the General Secretary, CMS (CITU) stated in paragraph 2 (a) that all the three workmen had completed years of continuous service and in paragraph 2 (c) it is stated that all the workmen were the active members of the Colliery Mazdoor Sabha. In paragraph 3 of the union's statement the union stated that the leading cadres of the Sabha approached the Manager of the colliery and demanded the reinstatement of the workmen. Sabha denies the allegations that the dispute at no time was discussed or raised with the management. As a matter of fact when all the negotiations failed the Sabha had to approach the appropriate authorities for redressal of the grievance. In paragraph 7 of the written statement of the union it is stated that the stopping of the work of the workmen from 8th October, 1969 without giving any proper notice and compensation was illegal and the Sabha, therefore prayed in paragraph 8 of the written statement for the reinstatement of each workmen with full back wages and continuity of service.

6. In the rejoinder the management reiterated in paragraph 2(d) that the dispute was at no time placed before the management or discussed with them and in paragraph 2 (d) (1) it was stated that the workers in dispute had at no time any continuous employment. In paragraph 3 of the rejoinder it was stated that there was no stoppage from work of any of the three workmen from 8th October, 1969 as alleged in paragraph 7 of the written statement of the union.

Decision

7. Point (i):

The first point for consideration is: "Did all the workmen themselves, and/or all the workmen through the Union duly approached and raised the dispute under reference either themselves or under the aegis of the union, before the management at any time before approaching the Labour Conciliation officer. If not, is the reference competent in law?". Before entering into the merits of the point (i) it must be made clear here and now that if the industrial dispute as referred to for adjudication did not arise on and from 8th October, 1969, the reference of such a dispute for adjudication would on the face of the reference be ultra vires the jurisdiction of the Central Government. Let us now examine the evidence on the point (i). The three workmen are members of the Union and each of them deposed in this proceeding. Madhob Pal is Witness No. 1 for the workmen. In the first week of October, 1969, as he said in his examination in chief, he was not given any employment. Besides Madhob many other workmen who were his colleagues during the period from 1963 to 1969, in the first week of October, 1969 were not also given employment. He said in his examination in-chief, "On the day following we workmen were not given employment, we approached in a body to the Manager and requested him to give each of us employment. He refused to employ us. For two months almost on every day we approached the Manager in a body, meaning all the unemployed workmen, and demanded our employment but the Manager Babu gave the same reply that there was no scope for employment". In the written statement of the Union there was no reference of any approach ever made to the Agent. So, the evidence of Madhob Pal and other two workmen regarding their approach to the Agent is irrelevant and inadmissible. So, I would not consider that part of evidence of any of those witnesses. After the Manager refused to employ Madhob and his colleagues, Madhob, as he said in his examination in-chief, approached the Conciliation officer and handed over papers to him raising a dispute over non employment of Madhob and his colleagues. He again reiterated in his examination in-chief that he ceased to have any employment from the employer in October, 1969. In cross-examination Madhob said, "Before 8th October, 1969 there was no cessation of work for me in the colliery. Shri B. K. Bhattacharjee, Assistant Manager, asked me not to do any work from 8th October, 1969. Different jobs on different dates were assigned to me for performance by the Assistant Manager B. K. Bhattacharjee. When we all approached the Manager on 8th October, 1969 for allocating jobs to us he gave out that there was no work available for any one of us as one section of the colliery had been closed. On 8th October, 1969 jobs were not allotted to about 20 workmen, we workmen who were not given employment approached the management as we were members of the union, but not on behalf of the union. There was no meeting of the union over our non-employment. Leader Kalanand Singh of the union and we 10 workmen held a meeting, but none else and then we approached the Conciliation officer; we mean, we 10 and none else. We gave no written application either jointly or severally either to the Manager or to the Agent raising dispute over our non-employment, individually and collectively. Our union did not in writing raise any dispute over our non-employment either before the Manager or before the Agent of the colliery". Tarapada Acharya, workman, witness No. 2, said in examination in-chief that he entered in the services of the colliery in March, 1963 and worked upto 8th October, 1969. He and 5 or 7 other employees were not given employment on 8th October, 1969 and he and all 7 or 8 persons approached the Manager for employment who refused to employ them. He further said in examination in-chief, "When we could not get our employment we three, Madhob Pal, myself and Narayan Ghose, approached the Regional Labour Commissioner, Raniganj. We placed our

papers before the Regional Labour Commissioner who commenced conciliation proceedings. "The witness, Narayan and Madhob and several other colliery workers are members of the Mazdoor Sabha union of the colliery. In cross-examination this witness said, "Myself and my companion workers made our grievances in writing to the management. It was sometime in November, 1969 that we gave the writing but I kept no copy. I wrote the application in Bengali. The Manager gave no reply to our written demand. ... We made no written application ventilating our grievances to the Union. We seven workers reported to Robin Chatterjee, our General Secretary, about our grievances but we cannot say if in writing or orally. The Union gave a letter to the Manager raising dispute containing our grievance. There was no meeting of the union over the matter of our unemployment". Narain Ghose, workman, is witness No. 3. He does not remember in which year or month he entered the service of the Samla colliery. He claimed to have had worked in the colliery for four years and he claimed to have had not worked about two years counted backwards from the date he was deposing. The cessation of his work took place about two years backwards from the date he was deposing after the Durga Puja of that year. He, Madhob Pal and Balu Roy, Tarapada Acharya, all approached the Manager when they ceased to have any service but the Manager refused to employ them. He said in examination in-chief, "We all then approached Robin Babu. He assured us that he would make a case for us. The case went on in Raniganj". In cross-examination the witness said, "We gave no written application to the management disclosing our grievance and raising a dispute. A month after we approached the Union but did not make any petition in writing. Over our non-employment there was no meeting of the union to my knowledge. The union made no written petition to the Management regarding our grievance raising a dispute. Dinesh Babu who is an Assistant of Robin Babu came to the management. He approached Ramachandran who is the Head Agent of Kendra office". This is all the evidence regarding the raising of the dispute by 10 workmen including the three witnesses-workmen now before me and by the Union. The evidence of three witnesses bristles with irreconcilable inconsistencies and violent conflicts on every material point, so much so, that none of them could be relied upon by me. The three workmen and 7 others named in the schedule to the reference are members of the Union. They in a body could have approached the management either orally or in writing with their grievances. "The grievances should have been specific and should have related to their non-employment from a particular date. If the management either orally or in writing was approached by the 10 workmen or three of them now before me and the management refused to accede to the workmen's demand then the workmen could well approach the union. The union, there after, was to have espoused the cause of the 10 workmen or as a matter of that the three workmen now before me setting forth the specific demand with reasonable certainty and particulars before the management. If the management did not accede to the demand of the union then the union could well approach the Government for conciliation. From the evidence that appears in the record, there could be no occasion on 8th October, 1969 for any of the three workmen to be stopped by the management, be it the Manager or the Assistant Manager Bhattacharjee, MW-1, from doing any work in the colliery. I am satisfied from the evidence that Narayan Ghosh worked only for 5 days in the colliery in 1969, and that in the fortnight ending on 15th July, 1969, Ext. MIII(2). Tarapada Acharya last worked in the colliery in the fortnight ending 30th September, 1969, Ext. MIII, and Madhob Pal last worked in the colliery for the last time in the fortnight ending on 30th September, 1969 vide Wage Payment Register, Ext. MIII(1). Each of those workmen categorically deposed saying that each of them got all the wages, etc. upto the date they had each last worked in the colliery. So, on 8th October, 1969 there

could be no occasion either for the Manager of the colliery or for the Assistant Manager Bhattacharjee, the management's witness No. 1 to ask any of those three workmen not to work in the colliery. The schedule to the reference says that these three workmen's working in the colliery was stopped on and from 8th October, 1969 but the evidence of unimpeachable character clearly establishes that none of the three workmen had any occasion to approach the Manager or the Assistant Manager, MW1 on 8th October, 1969 for their employment nor had any one of them any occasion to stop any of the three workmen from working in the colliery on that day. Madhob Pal in cross examination said that MW1, Assistant Manager stopped the three workmen from doing any work on 8th October 1969 and I find that the said Assistant Manager used to allot work to each workmen. The Assistant Manager MW1 proved entries in Wage Payment register Ext. MIII series. There is nothing in his evidence to question his veracity. So, there can be no occasion for a dispute arising and existing between the management and the workmen, regarding the non-employment of the workmen now before me by the management on and from 8th October 1969. The reference is not that the workman Narayan Ghose's work was stopped in the fortnight ending on 15th July 1969 and that the work of workman Tarapada Acharya was stopped in the fortnight ending on 30th September 1969 and that the work of Madhob Pal was stopped in the fortnight ending on 30th September 1969. The reference relates to stoppage of work of those three workmen by the management on and from 8th October, 1969. So, if there was no occasion for any dispute to arise and exist between the management and the three workmen on and from 8th October, 1969, there could be no industrial dispute, apart from any other question, arising and existing between the management and the workmen relating to the non-employment of the three workmen on and from 8th October 1969 as mentioned in the Schedule to the reference.

8. The three workmen, as the evidence clearly shows, never approached either the Manager or the Assistant Manager either on 8th October 1969 or any day thereafter. Now, according to Madhob Pal (*vide* his cross-examination) he had not given any written application either jointly or severally with other workmen either to the Manager or to the Agent raising a dispute over their non-employment. Witness did not in writing raise any dispute over the non-employment of the 10 workmen either before the Manager or before the Agent of the colliery. But, according to Tarapada Acharya *vide* his cross-examination, he and his colleague workers ventilated their grievances about their non-employment in writing to the management sometime in November, 1969. He wrote the application addressed to the management in Bengali but kept no copy. He said that the Manager gave no reply to the written demand made by the 10 workmen. So, there is the violent conflict between the two witnesses on a vital point. According to Madhob Pal the union did not in writing raise any dispute over the non-employment of 10 workmen including the three before me, either before the Manager or before the Agent, but Tarapada Acharya in his cross-examination said that the witness gave a letter to the management raising dispute containing their grievances. He had to admit that there was no meeting over the matter of their non-employment and to the union the workmen made no application in writing mentioning the workmen's grievance. According to Madhob Pal, leader Kulanand Singh of the union and 10 workmen held a meeting. None else attended the meeting. Then the ten workmen, but not Kulanand Singh approached the Conciliation officer. He also stated in cross-examination that there was no meeting of the union over the non-employment of the 10 workmen and that the union did not in writing raise any dispute over the workmen's non-employment before the management. Narayan Ghose in his cross-examination said that no written application was made by the workmen ventilating their grievances to

the management and raising a dispute and that there was no meeting of the union, to his knowledge over the question of non-employment of the 10 workmen. He was positive that there was no written application made to the management ventilating the grievances and raising a dispute thereon. One Dinesh Babu, assistant to Robin Babu met the management. He approached Ramachandran who is the Head Agent of Kendra office. This is new story and it nowhere appears in the written statement of the union. Neither Dinesh Babu nor Robin Babu came to dispose before this Tribunal on any point. So considering the nature of entire evidence, I hold that none of the workmen including the three before me made before the management either orally or writing any demand on account of their alleged non-employment by the management on and from 8th October 1969. The union representing the workmen now before me did not either in the writing or orally made any representation regarding the non-employment of the 10 workmen including the three workmen before me by the management on and from 8th October 1969. None came before the tribunal for the union to depose to the fact as to what step the union had taken before approaching the Labour Commissioner for settlement of the dispute under reference. The Union in the face of the written statement of the management was required by law to produce any of its office-bearers for deposing in this proceeding for establishing the stand taken by the workmen through the union in para 3 of the written statement filed by the union for the workmen. Therefore, on the materials on record I hold that there was no industrial dispute existing on 8th October 1969 which could be taken up legally for conciliation at the instance of the union by the conciliation officer. The failure report of the Conciliation officer to the Central Government was, therefore, illegal and without jurisdiction since there was no industrial dispute existing about the non-employment of the 10 workmen including the three workmen before me by the management on and from 8th October 1969 and the workmen and the union or either of them never raised any dispute as the one under reference either orally or in writing before the management when the union straightaway approached the Conciliation officer with the dispute under reference that did not and could not exist on and from 8th October 1969. Accordingly, the reference made by the Central Government regarding the alleged industrial dispute is incompetent in law and cannot be entertained by this tribunal for adjudication.

Point (ii):

9. I have examined the evidence of the three workmen and the wage register, MIII series as well as temporary/badli/ casual appointment letters Ex. M1 series. I also examined the Bonus Card of Madhob Ch. Paul, Ex. W-1 and the form of appointment of competent person, Madhob Pal, Ext. W-2 and Ration card of Madhob Ext. W-3. Madhob Pal produced and proved Bonus card, Ext. W-1. It is interesting reading. In column 1 figure 67 is penned through without attestation. Thereafter a figure appears—1963. Name of the worker was one Abhiram rest not readable penned through. Below that entry there is a name Madhab Paul. Ticket No. BF No. 32. Column for 'Designation/Category of employee—Electric' and something unreadable, penned through and unattested. Above that entry there is a word 'temporary'. Column Provident Fund Account No. BF 39/4144 penned through unattested. There is the thumb impression against the column of thumb impression or signature over which it is written Madhab Ch. Paul, Ex. W-1. Name of the worker is Madhob Pal, but the signatory is Madhab Ch. Paul. So this document, Ext. W-1, is a forgery. The Ext. W-2, the Form of appointment of competent person. It relates to Madhob Ch. Pal not Madhob Paul, who is a Shot-firer Mazdoor. It is dated 17th May 1963 and bears a thumb impression thereon but no signature. It was issued by the Manager of the colliery on 17th May, 1963. In the reference the name of the workman is Madhob Pal not

Madhab Chandra Paul or Madhab Ch. Paul. He is described in the reference as Shot-firer mazdoor. In his evidence Madhob Chandra Paul but not Madhob Pal gave out that he entered the colliery on 17th May 1963 and worked from 1963 to 1st week of October, 1969. During this period he worked as Fitter Mazdoor, Prop. Mazdoor, Shot firer mazdoor, Line mazdoor, Pipe Fitter mazdoor and Hammer man. From May 1963 to May 1964 he worked as a fitter Mazdoor; for 10 months thereafter he worked as Proping mazdoor and for one and half years thereafter he worked as line mazdoor. Then for two years as Shot firer mazdoor and rest of the period as Hammer mazdoor. So, Madhob Pal on 8th October 1969 as the reference shows was not a Shot firer mazdoor. In 1963 Madhob Pal or Madhob Ch. Paul vide Bonus card, Ext. W-1 was only temporary, but in which post, the document is silent. In 1963 vide Ex. W-2 Madhob Ch. Paul was appointed a Shot firer mazdoor. But his evidence shows that from 1963 May to 1964 May he was Pipe fitter mazdoor. Therefore, the document, Ext. W-1, Bonus Card, and Ex. W-2 form of appointment of competent person cannot relate to the workman Madhab Pal or Madhab Ch. Paul who deposed before me as one of the three workmen. By these two documents an attempt was made to prove as if the workman Madhob Pal entered the services of the colliery in 1963. This case was not stated in the written statement where a vague statement was made to this effect: "the workman concerned had completed year of continuous service". So, the document Ex. W-1 which is a forged one and Ex. W-2 read with the evidence of Madhob Pal workman deposing as Madhob Chandra Pal cannot relate to the workman Madhob Pal as mentioned in the reference or to Madhab Chandra Paul who deposed as a workman in this Tribunal. Ex. W-3 the Ration card relates to Madhob Paul and does not relate to Madhob Chandra Pal. His evidence and the Ration card do not prove that he as an employee of the colliery drew ration, if so, which position he held and in which year in the colliery. So, it has no relevancy. Madhob Pal deposing as Madhob Chandra Pal admitted that he got papers intermittently from the management. He identified those papers which are Temporary/Badli/Casual appointment which were put to him by the management and marked for identification (X to X5). Ex. M1(22) shows Madhob got Badli appointment in place of Sripat on 25th June, 1969. Ext. M1(20) shows that in place of Sripat Zamadar he got Badli appointment on 30th June, 1969 for six days. Ex. M1(24) shows that Madhob Pal got temporary appointment for 6 days in place of Sripat from 7th July, 1969. Madhob Pal got Badli appointment on 13th August, 1969 for one day in place of Madho, Ex. M1(25). Ext. (26) shows that Madhob Pal got Badli appointment from 11th September, 1969 to 12th September, 1969 in place of Shyam Mondal. Ex. M1(27) shows that Madhob Pal got Badli appointment as Prop. Mazdoor from 13th September, 1969 to 18th September, 1969 in place of Maya Lal. Ex. M1(28) shows that Narayan Ghosh got Badli appointment as Prop. Mazdoor in place of Bhakta from 8th July, 1969 for 6 days. He identified Ext. M1(28). Tarapada identified appointment letters but denied his signatures in English thereon. He got appointment in place of Tarapada Ghosh from 25th August, 1969 to 30th August, 1969 vide Ex. M1. He got Badli appointment vide Ex. M1(1) in place of Sadik Khan from 19th June, 1968 for 11 days. Ex. M1(2) shows that Tarapada got extension of Badli appointment from 8th July, 1968, to 13th July, 1968 in place of Sadik Khan. Ex. M1(3) shows that Tarapada got Badli appointment from 16th September, 1968, to 20th September, 1968 in place of Sadik Khan. Ex. M1(4) shows that Tarapada got Badli appointment from 5th August, 1968 to 10th August, 1968 in place of Sadik Khan. Ex. M1(5) shows that Tarapada got Badli appointment from 26th July, 1968 for one month in place of Sadik Khan, Shot firer Mazdoor. Ex. M1(6) shows that Tarapada got Badli appointment from 30th November 1968, for 11 days in place of somebody whose name I could not decipher.

Ex. M1(7) shows that Tarapada got Badli appointment for 6 days from 4th November 1968, to 9th November, 1968 in place of Haris Singh. Ex. M2(3) shows that Tarapada got temporary appointment as Shot firer helper for 6 days from 11th November 1968. Ex. M2(4) shows that Tarapada got temporary appointment of Shot firer mazdoor for 6 days from 25th November 1968, Ex. M1(10) shows that Tarapada got temporary appointment of Shot firer mazdoor from 2nd December, 1968 to 7th December 1968, Ex. M1(11) shows that Tarapada got temporary appointment as Shot firer mazdoor from 9th December, 1968 to 11th December, 1968. Ex. M1(12) shows that Tarapada got Badli appointment as Proping mazdoor from 1st January, 1969, for 15 days in place of Ramdeo. Ex. M1(13) shows that Tarapada got Badli appointment as Prop. Mazdoor on and from 1st January, 1969 to 28th January, 1969. Ex. M1(14) shows that Tarapada got Badli appointment as Shot firer mazdoor in place of Umesh Singh who was working as Pit Sarkar from 7th February, 1969 for 8 days. Ex. M1(15) shows that Tarapada was appointed as Badli Shot firer Mazdoor and worked for 6 days from 23rd June 1969, in place of Umesh Singh. Ex. M1(16) shows that Tarapada worked as Badli Shot firer mazdoor in place of Nilkamal Adikary from 30th June 1969, for 5 days. Ex. M1(17) shows that Tarapada worked as Badli Prop. mazdoor for 8 days, from 4th July, 1969. Ex. M1(18) shows that Tarapada worked in place of Bhagabat for 2 days. Ex. M1(19) shows that Tarapada line mazdoor worked as Badli in place of Lagiram as Shot firer mazdoor. Ex. M1(21) shows that Tarapada worked as P. F. Mazdoor in place of Tarapada Ghosh from 11th August, 1969 to 16th August, 1969. All these papers which are in printed forms, except one only, bearing the thumb impression, bear the signature in English of Tarapada Acharya who deposed before me and denied that he could jot down letters in English. So these three workmen as the record shows were purely temporary substitute workers in the year 1968 and 1969. They were each appointed for a short period in short vacancies when permanent incumbent was absent, either on leave or for other reasons. They were never given any appointment in any substantive vacancy by the management. It appears from the documents I have just now considered that whenever the permanent incumbent was absent for a temporary period each of the three workmen was appointed by the management to work in the temporary vacancy till the return of the permanent incumbent. When the permanent incumbent returned each of the workmen working temporarily in the temporary vacancy due to permanent workman being absent ceased to have any work. This was the system in which the three workmen were being employed by the colliery in 1968 and 1969. Madhob Pal attempted to prove that he was working in the colliery since 1963 by false and forged documents. None of the workmen produced any reliable documentary evidence such as Bonus card or any other document to show that any one of them worked from 1963 to the first week of October, 1969 continuously in a substantive post appointed by the management. In the written statement a very vague assertion was made that the workmen rendered continuous years of service and in the evidence the workmen attempted to make out as if they had been working continuously in the colliery since 1963 upto 8th October, 1969. But to substantiate that proposition Madhob Pal indulged in blatant falsehood producing forged documents to support his case of having had worked in the colliery continuously from 1963. Narayan Ghosh claimed that he was dispensed with his employment by the colliery after he had worked for 4 years and that his service was dispensed with by the colliery after Durga Puja of 1969. The Durga Puja of 1969 as Ext. CII shows held on 17th to 20th of October, 1969. If after the Durga Puja of 1969 that means after 20th October, 1969 Narayan Gosh's service was dispensed with by the management, then the case of the union for the three workmen that their services were dispensed with by the management on 8th October, 1969 falls to the

ground. Tarapada Acharya claimed that he worked in the colliery from 1963 upto 8th October, 1969 continuously but Ext. M1 & M2 series relating to Tarapada gave a cold shoulder to his claim for having had worked in the colliery continuously from 1963 to 1969 without any break. As regards Madhob Pal, he claimed that he was continuously working in the colliery from 17th May, 1963 upto first week of October, 1969. To support his case he produced false and forged documents, Ex. W-1 and W-2. On the other hand Ex. M1 series relating to Madhob Pal and his evidence shows that in October, 1969 he could not be a Shot firer mazdoor, in view of his evidence in examination in chief. He was at the fag end of his service a Hammcr man, that means, in October, 1969, but not a Shot firer (vide his examination in-chief). On the other hand, it would appear from Ex. M1(22) that on 25th June, 1969 for 11 days in place of Sripat he worked as Box mazdoor. Again he worked in place of Sripat from 30th June, 1969 to 5th July, 1969 vide Ex. M1(23). He again worked in place of Sripat vide Ex. M1(24) as Box mazdoor for 6 days onwards from 7th July, 1969. Ex. M1(25) shows that for one day on 13th August, 1969 Madhob Pal worked in place of Madhob as Loco fitting mazdoor. Ex. M1(26) shows that Madhob Pal worked from 11th September, 1969 to 12th September, 1969 as Water mazdoor in place of Shyam Mondal. Ex. M1(27) shows that Madhob Pal as Prop. Mazdoor worked in place of Mewalal from 13th September to 18th September, 1969. Narayan Ghosh, as I have already stated vide Ex. M1(28), worked for only 5 days. Wage Register also corroborates M1(28). All these papers of Ex. M1 series relating to Madhob and Narayan bear their thumb impressions while those relating to Tarapada bear his signatures and those were maintained by the management in regular course of official business. I have no reason to disbelieve those documents. Tarapada feigned inability of signing in English but 25 of more documents of Ex. MII and MII of Tarapada's employment which bear his signatures in English, cannot be forged. So I disbelieve his denial. These documents clearly show that none of the workmen, Tarapada Acharya, Madhob Pal and Narayan Ghosh ever worked continuously from 1963 to first week of October, 1969 in any substantive post in the colliery. They were in the reserve list of temporary substitute workers who were allotted work as substitute for permanent workers intermittently for short periods having regard to the exigencies of the circumstances. Once or twice Tarapada Acharya was temporarily appointed, not as a substitute worker, for short period having regard to the pressure of work and exigency of circumstances facing the management (vide evidence of MWI-Bhattacharya). Therefore, I hold in answering the Point No. (ii) that none of the three workmen worked continuously for any period during 1963 to 1969 against any substantive vacancy. They were each a temporary worker, working as substitute in place of a permanent worker for a short period in the year 1968-69, and none of them ever worked in any substantive post temporarily in the colliery for any period whatsoever during the year 1968-69 not to speak of in any other years. There is no evidence from the side of any of the three workmen upon which I can rely to hold that each of them had been working in the colliery from 1963 upto first week of October, 1969 though temporarily in a substantive post continuously. Each of them worked as a substitute for a permanent workman for a short period intermittently in 1968-1969. When the permanent workman came back and joined in his post, the employment of each of the three workmen ceased vide Ex. M1 & MII series. Therefore, they cannot get any relief under the industrial law.

Point (iii):

10. None of the workmen rendered "continuous years of service". They were never employed, during any of the years 1963 upto 1969 first week of October, in any substantive vacancy continuously. From the evidence I can find that only in 1968-69 each of the three

workmen as substitute for permanent workmen were employed for short periods intermittently, and that they ceased to have employment when the permanent workmen joined in their duties. So, the provisions of Section 25 Band 25C and explanation thereto of the Industrial Disputes Act, 1947 do not apply in case of any of these three workmen. They are not entitled to any retrenchment compensation or lay off compensation under the provisions of Chapter VA of the Industrial Disputes Act.

Point (iv):

11. I have dealt with this point while dealing with Point No. (iii). I have held that only in 1968-69 each of the workmen worked intermittently for short periods, as substitutes or popularly called as "badli", for the permanent workmen in the colliery. Narayan Gosh worked only for 5 days in place of Bhaktia and none of the three workmen in any of the years in 1968-69 worked as a "badli" worker as appearing in the explanation to Section 25C of the Industrial Disputes Act, 1947. None of the three workmen ever worked either in 1968 or in 1969 or in any year previous to these years in place of a permanent workmen continuously for a period of one year. So, none of them was a badli worker in the sense as appearing in the explanation to Section 25C of the Industrial Disputes Act, 1947 as well in para 3(d) of the Standing orders Ext. C.I. They were merely substitute workers working intermittently as substitutes for permanent workers during the short periods the permanent workers were absent either on leave or otherwise. The services of each of them working as a substitute worker in place of a permanent worker ceased as soon as the permanent worker returned and join in his post. Tarapada worked for short periods as temporary worker for a specific work as was deposed by MW-1 Bhattacharjee. See also Ex. M1(13), M1(11), M1(8), M1(9), M1(10) total days 17 or so. Thus, I answer the Point No. (iv).

Point No. (v):

12. In view of my finding on the points mentioned above, none of the three workmen is entitled to any relief under the Industrial Disputes Act, 1947 in this proceeding.

13. Neither the workmen nor the Union approached the management with a dispute regarding the non-employment of the three workmen by the management on and from 8th October, 1969. The union that espoused the cause of the workmen before the Labour Commissioner did not raise any dispute regarding the non-employment of the three workmen by the management on and from 8th October, 1969 before the management. From the evidence I have found that there could be no occasion for the dispute under reference arising or existing regarding the non-employment of the three workmen on and from 8th October, 1969. For all these circumstances, I find that there was no factual and legal existence of any industrial dispute regarding the non-employment of the three workmen by the management on and from 8th October, 1969. The Labour Commissioner had therefore no jurisdiction to entertain a non-existent dispute for conciliation at the instance of the union. The failure report of the conciliation Officer to the Central Government was illegal and *ultra vires* his jurisdiction. The reference of the dispute which did not exist as an industrial dispute on 8th October, 1969 regarding the non-employment of these three workmen for adjudication by the Central Government to this Tribunal has, therefore, been illegal and *ultra vires* the jurisdiction of the Central Government. (See *Feeders Lloyd Corporation Private Ltd. v. Lt. Governor Delhi & Others*, 1970 (20) F.L.R. p. 343/and *Sindhu Resettlement Corporation, Ltd. & Industrial Tribunal, Gujarat*, 1968 1 LLJ, 834). The three workmen are not entitled even on the merits of the case to any relief as

against the management of the collicry. The reference is, therefore, rejected.

This is my award.

Dated,

April 18th, 1972.

S. N. BAGCHI,
Presiding Officer.

[No. L/1912/35/71-LRII.]

KARNAIL SINGH, Under Secy.

ELECTION COMMISSION OF INDIA

Dated the 30th March, 1972

S.O. 1048.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the orders dated the 21st July, 9th and 30th August and 2nd December, 1971 of the High Court of Madhya Pradesh, Jabalpur, in election Petition No. 2 of 1971.

IN THE HIGH COURT OF MADHYA PRADESH,
JABALPUR

BEFORE THE HON'BLE SHRI JUSTICE SURAJBHAN GROVER.

Election Petition No. 2 of 1971.

Shri Shital Prasad Mishra, aged 44 years, son of Shri Shivprasad Mishra, Advocate, Resident of Itarsi, tehsil and district Hoshangabad.
versus

Petitioner.

Shri Nitiraj Singh Choudhary, aged 62 years, son of Choudhary Daulatsinh, State Minister Union Government New Delhi.
Respondent.

Petition under section 81 of the Representation of the People Act, 1951.

Counsel for the Petitioner

1. Shri Y. S. Dharmadhikari
2. Shri L. S. Baghel, Advocate
3. Shri N. C. Jain, Advocate

Counsel for the Respondent.

1. Shri K. A. Chitale, Advocate
2. Shri R. K. Pandey, Advocate
3. Shri R. P. Verma, Advocate
4. Shri J. S. Verma, Advocate
5. Shri C. P. Sen, Advocate
6. Shri T. C. Naik, Advocate
7. Shri P. P. Naolker, Advocate
8. Shri P. C. Naik, Advocate

ORDER

This is an election petition under S 31 of the Representation of the People Act, 1951 (hereinafter called the Act), by Shri Shitalprasad Mishra, Advocate, who was an elector, as well as a candidate at the mid-term Lok Sabha Parliamentary Election from the Hoshangabad Parliamentary constituency No. 27, but subsequently withdraw his candidature challenging the election of the respondent on various grounds alleged in his petition and praying that the election of the respondent be declared void.

2. Shri H. V. Kamath, a candidate, had also filed his nomination paper for contesting the aforesaid election, but on the date of scrutiny, i.e. on 4th February, 1971, his nomination paper was improperly rejected though he had filed certified copies of the electoral rolls for the years 1967 and 1969 before the returning officer concerned, which contained his name

in Whantoli ward of the Nagpur town in Nagpur Parliamentary constituency. It was also alleged that as he was an elector mentioned in the electoral rolls for the years 1967 and 1969, his name could not be removed from the electoral rolls without service of a proper notice on him as is required by S. 22 of the Representation of the People Act, 1950. Shri Kamath had also made an application to the Electoral Registration Officer concerned, but it was rejected and his appeal against that order was allowed by the Chief Electoral Officer, the effect of which is that Shri Kamath's name continued to remain in the electoral rolls at all the material times and he had been eligible to contest the election at the material time. It is further said that rules 45(1), 45(2), 48 and 47 of the Conduct of Elections Rules, 1961 (hereinafter called the 'rules') were not properly followed with the object of helping the respondent, who was a Congress (R) Party candidate, as shown in para 8 of the election petition. The petition also contains the contention that by not properly complying with the rules 55, 56 and 57 of the aforesaid rules, the result of the election has been materially affected, and further on, it charges the petitioner with having committed a corrupt practice by either incurring or having authorised to incur expenditure at the election beyond the prescribed limit of Rs. 35,000/-, as he failed to include in his return of election expenses the following items:—

- (a) Hire charges, as well as the purchase price of 2 Jeeps used for the purposes of election, with Nos. HRC-2791 and HRC-2792. These were taken from one Shri R. C. Tiwari a resident of Delhi, at Rs. 100/- per day as hire charges which were in use from 31st January, 1971 to 10th March, 1971 for election work, and of which hire charges approximately are estimated at Rs. 7800/-, and
- (b) Rs. 7608/- on account of the price of two Jeeps Nos. DHA 2621 and 3029 purchased from the Director of Army Service, Army Headquarters, Master General of the Ordnance Branch, DHQ, P.O. New Delhi-11 in the name of Giriraj Higher Secondary School, Narsimhapur, as the said Jeeps were purchased by the respondent out of his own money in the last week of January 1971 or first week of February 1971, and were used for his election work. Similarly, Rs. 3000/- were also not included in the return of which were on account of the Jeep No. HRC 2660 purchased by the respondent from Army Head Quarters, and for which he had paid the amount from his own pocket, and had used the Jeep for his election work.

The other allegations of the petitioner, made by him in para 9 of his petition against the respondent, viz. in sub-paras (b), (c), (e) and (f) of this para, have already been struck off as per my order dated 30th August, 1971. As the respondent was a candidate of the Congress(R), he was allotted the symbol of "calf and cow", which is a religious symbol, and by using the same he has committed a corrupt practice. It was further alleged, that the Election Commission of India had also violated the provisions of Article 324 of the Constitution of India and had acted contrary to the rules 5 and 10 of the Conduct of Election Rules, 1961, read with para 17 of the Election Symbol (Registration and Allotment) Order, 1968 (hereinafter called the order). Vide para 14 of the petition, the respondent has also been accused of bribery, meaning that he gave Rs. 1,000/- to the Aknada in Jagdishpura ward of the Hoshangabad town, only a few days before his election, by the end of January or beginning of February 1971, in order to win votes from electors in that area for his own election.

3. The respondent denied all the allegations made against him in the election petition, and averred that there was nothing wrong in the rejection of the nomination paper of Shri Kamath, as admittedly, he was not an elector in the constituency in question, and moreover, he had failed to produce a certified copy of the electoral roll, for time being in force, for the purpose of election to the House of People, which was held in 1971 and which was governed by the rolls of 1970, which were revised with reference to the qualifying date, viz. 1st January, 1970, though it was mandatory, and he having filed only the certified copies of the electoral rolls of 1967 and 1969, which were irrelevant, there was no alternative left for the Returning Officer but to reject his nomination paper for non-compliance of S 33(5) of the Act. He further refuted the allegation that Shri Kamath's name was improperly deleted from the electoral roll by saying that Shri Kamath had left his residential house No. 170 in Dhantoli ward of the Nagpur city and hence he could not remain an elector there. He has also asserted that the order of the Chief Electoral Officer, Bombay (Maharashtra) in that connection is without jurisdiction and illegal, and prayed that even if it be held good, then at worst, it can take effect only from the date of decision in the appeal in question i.e. from 13th April, 1971, as laid down in rule 23(4) of the Registration of Electors Rules, 1960. The respondent has also averred that the election petition was barred by time. As regards the non-observance of rules 45 to 47 of the Conduct of Election Rules, 1961, the respondent said that they were properly followed. Regarding the allegations made in para 8-A of the election petition, the reply of the respondent is that rules 55, 56 and 57 of the Conduct of Election Rules, 1961 were properly amended by the Central Government under S.169 of the Act. In the matter of authorising or incurring expenditure beyond the prescribed limit, not shown in the return of the election expenses, the respondent denied the allegation and said that he did not hire the two Jeeps as alleged in para 9(a) of the petition, and the question of inclusion of hire charges for them thus did not arise. He also denied that he had purchased two Jeeps for his election purposes as detailed in para 9(d) of the petition. In fact he had purchased a Fiat car, DHA 2621, in his own name, and that was not used for his election work, and one Jeep was purchased in the name of Giriraj Higher Secondary School, Narsimhapur, and its price was paid by one Shri S. L. Varma, who was a founder member of the Body and a member of its Managing Committee. As regards Jeep No. HRG 2660, it was purchased from Army Head Quarters, for about 3000 by one Shri Sursingh in the middle of 1970, and its price was paid, and it was a capital investment, which could not be termed as an election expense. Regarding the use of the election symbol of "calf and cow" he said that it is not a religious symbol, and he is not guilty of any corrupt practice, as alleged, within the meaning of sub-section (3) of S. 123 of the Act, as the symbol, standing by itself, cannot be termed as an appeal to Hindus in the name of religion. He also denied that the Election Commission of India had in any way violated the provisions of Act. 324 of the Constitution of India or had acted contrary to the powers vested in them or had acted contrary to the rules 5 and 10 of the Conduct of Election Rules, 1961, read with para 17 of the Election Symbols (Registration and Allotment) Order, 1968, and that cannot be a ground for setting aside the election. The corrupt practice of bribery as alleged in para 14 of the petition against the respondent was also denied by him and it was averred that as the Akhada in question had fallen down during the last Narmada floods, a request was made to the respondent for arranging for some help to rebuild the building which he had promised by getting some donations for the purpose, and ultimately he managed to send such

amount to the Collector, Hoshangabad, in order to pay the same to the Management of the Akhada. He further added that on 12th December 1970, when the question of helping the Akhada arose, there was no question of any election then, as the 4th Lok Sabha was sitting during that period and was dissolved on 12th December, 1970.

4. On the pleadings of the parties, the following issues were framed:—

Issues

- (1) Was the nomination paper of Shri Kamath wrongly rejected as detailed in paragraphs 2 to 5 of the petition and what is its effect?
- (2) Was there a breach of the rules 45(1), 45(2), 46 and 47 of the Conduct of Election Rules as detailed in paragraph 8 of the petition and what is its effect?
- (3) (a) Was the amendment of rules 55 to 57 of the Conduct of Election Rules, 1961, illegal?
- (b) Whether the procedure followed under the amended rules has materially affected the result of the election?
- (4) Is the petition of the petitioner liable to be dismissed under section 86(1) of the Representation of the People Act, as Khusilal is not made a party to the petition?
- (5) Does the petition suffer for want of proper verification?
- (6) Is the affidavit filed by the petitioner not according to Law?
- (7) Is the petitioner not competent to file this petition?
- (8) Is the petition filed by the petitioner time-barred?
- (9) (a) Has the respondent incurred or authorised expenditure more than the prescribed limit as detailed in para 9(a) and (d) of the petition?
- (b) Does this allegation suffer from lack of material particulars?
- (10) (a) Is "calf and cow" a religious symbol having a religious appeal to the voters?
- (b) Has it materially affected the result of the election by non-compliance of the provisions of the Constitution of India, as well as of R. P. Act and the rules made there under, as alleged in para 11 of the petition?
- (11) (a) Was any Jeep purchased by the Central Co-operative Bank, Narsimhapur, under instructions of the respondent and did Shri Gobind Prasad Tiwari tour on this Jeep in the whole of the constituency for securing the votes for the respondent and also distribute loans and stayed its recovery due from the debtors of the bank?
- (b) Was the Bank closed from the 1st to 4th March, 1971, and did the employees of the Bank canvass for the respondent?
- (c) Does this allegation constitute a corrupt practice?
- (d) Does this allegation suffer from lack of material particulars?
- (12) Did the respondent give Rs. 1000/- to the Akhada in Jagdishnara ward in Hoshangabad town and inaugurate the same with a view to secure votes as alleged in para 14 of the petition, and if so, what is its effect?

- (13) (a) Did the workers of the respondent make false propaganda as alleged in para 13 of the petition?
- (b) Does this allegation lack in material particulars?
- (14) Does the allegation made in para 15 of the petition constitute a corrupt practice under the R. P. Act?
- (15) Is the respondent entitled to compensatory costs?
- (16) To what relief, if any, the petitioner is entitled to?

5. Out of the above issues, issue Nos. 4, 5, 6, 7, 8, 11(d) and 13(b) were decided by my order dated 21st July, 1971, and the preliminary issue No. 9(b) was decided *vide* my order dated 9th August, 1971, and in accordance with that order, issue No. 9(a) was accordingly amended. As regards issue Nos. 11, 13 and 14, they have been struck off *vide* my order passed on 30th August, 1971. Now I will deal with the remaining issues.

6. Issue No. 1

This issue is based on the allegations made by the petitioner in paragraphs 2 to 5 of his petition which in brief, says that the name of Shri Kamath did exist in the electoral roll of the Nagpur Parliamentary constituency in Dhantoli Ward of Nagpur town and he had filed the electoral rolls for the years 1967 and 1969 before the Returning Officer along with his nomination paper. He alleged that as Shri Kamath's name was present in the electoral rolls for the years 1967 and 1969, it should be deemed that it did exist in the electoral roll of 1970. It is further alleged that the deletion of the name of Shri Kamath from the revised roll of 1970 was illegal as it was done without notice to him. Thus the rejection of the nomination paper by the Returning Officer was improper and illegal and the election of the respondent is liable to be set aside under section 100(1)(c) of the Representation of the People Act, 1951. The respondent, on the other hand, averred that the rolls for the purpose of election to the House of People held in 1971 were the rolls of 1970 which were revised with reference to the qualifying date, namely, 1st of January, 1970. The rolls for the years 1967 and 1969 filed by Shri Kamath with his nomination paper were old rolls and had no relevance. It is also urged that Shri Kamath was not an elector within the meaning of section 2(c) of the Representation of the People Act, 1951, and as Shri Kamath did not file with his nomination paper a certified copy of the electoral roll for the time being in force, that is to say, of the year 1970, as required by section 33(5) of the Representation of the People Act, 1951 which was mandatory, the Returning Officer was justified in rejecting his nomination paper.

7. The petitioner, in order to prove this issue, has examined himself, S. S. Bawankar (P.W. 4) and Shri Kamath (P.W. 8), and the respondent has examined himself as R.W. 1. Before dealing with their evidence, it will be proper to set out the material part of the order of the Returning Officer, which is Ex. P-10 (R-3), assigning reasons for rejection of the nomination paper is as follows:

“चूंकि श्री कामथ इस (होशंगाबाद 27 लोकसभा) चुनाव क्षेत्र के Elector नहीं हैं अतएव यह उन की जिम्मेदारी थी कि वे नागपुर निर्वाचन क्षेत्र की मतदाता सूची की प्रतिलिपि प्रस्तुत करते उन्होंने जो सूची प्रस्तुत की है वे 1-1-70 तक की मतदाता सूची की प्रतिलिपियां नहीं हैं। उन्होंने यह स्वीकार किया है कि उनका

सम 1-1-70 तक संशोधित सूची में नहीं है। इस प्रकार 1969 कि उनका नाम मतदाता सूची में रहने के बाद संशोधित सूची में से नकाल दिया जाना, उनके कथनानुसार अवैध तथा असंवैधानिक कार्य था अतएव उन के मतानुसार उन्हें Elector माना जाना चाहिए किन्तु Returning Officer की हैसियत से मैं Electoral Registration Officer के ऊपर appeal या निगरानी का कार्य नहीं कर सकता और न यह उस के लिए उपयुक्त अवसर ही है।

उन के इस कथन पर कि वे 1952 से अब तक लोक सभा के चुनाव लड़ते रहे हैं और अब एकाएक उनसे मतदातार भी छीना जाना अघोर आपत्तिजनक है, यद्यपि सही प्रतीत होता है किन्तु इस समय उन्हें इस संबंध में Returning Officer की हैसियत से कोई relief प्रदान किया जाना संभव नहीं है।

चूंकि 1-1-70 जो कि इस चुनाव के लिये qualifying date है, तक की संशोधित मतदाता सूची की सत्य प्रतिलिपि प्रस्तुत करने की वैधानिक जिम्मेदारी श्री कामथ की थी, अतएव आपत्तिकर्ता पर यह भार नहीं डाला जा सकता।

मैं इस निष्कर्ष पर पहुंचा हूं कि श्री कामथ यह सिद्ध करने में असफल रहे हैं कि उनका नाम 1-12-70 तक की संशोधित मतदाता सूची में सम्मिलित है। वास्तव में उन्होंने ने इसे स्वीकार ही किया है। अतएव वे अर्ह्यर्थी के लिए eligible नहीं हैं।

It is clear from the above order that the Returning Officer rejected the nomination paper of Shri Kamath for the reason that he did not file a copy of the electoral roll in force, that is, of the year 1970. The petitioner as well as Shri Kamath (P.W.8) both have admitted in their statement, that for the mid-term Lok Sabha Parliamentary Election, the electoral rolls were revised and the qualifying date for this purpose was 1st January, 1970. Shri Kamath has also admitted that the rolls for the mid-term Lok Sabha Parliamentary Election of 1971 were revised by the order of the Election Commission of India, *vide* Exs. R-4 and R-5. He also admitted that he did not file with his nomination paper a certified copy of the electoral roll for 1970. He further admitted that he did not file with his nomination paper a certified copy of the electoral roll for 1970. He further admitted that he had filed with his nomination paper a copy of Ex. P-6 and a copy of Ex. P-11. Ex. P-6 relates to the Assembly Constituency of the Maharashtra State for the year 1968 in which the name of Shri Kamath has been mentioned as an elector and Ex. P-11 is a copy of the voters' list prepared by the Nagpur Corporation for the year 1969 which mentioned the name of Shri Kamath as a voter, Shri Bawankar (P.W.4) has also deposed the same thing, that is, the name of Shri Kamath was mentioned as an elector in the voters' list for the Assembly Constituency known as 126 West Nagpur and it is dated 15th November, 1969. He has also stated that there was a revision of electoral roll of this constituency and the last date for the final publication was 15th January, 1970. Enumerators were sent for the preparation of the electoral rolls from time to time and the report of the enumerator was that Shri Kamath had left his residential house at Nagpur and that report is dated 6th December 1969 (Ex. R-8). It was on the basis of this report that the name of Shri Kamath was deleted from the previous voters' list. He has also deposed that a general notice was given for the revised list

and a copy of the revised list was also given to P.S.P. Party and the acknowledgment to this effect is Ex. R-29. Shri Niti Raj Singh Chaudhary (R.W.1), respondent, has also deposed the same thing when he has stated that the Lok Sabha was dissolved on 27th December, 1970 (vide Ex. R-1) and elections to the Lok Sabha were ordered to be held (vide Ex. R-2). The Election Commission had also ordered a revision of the electoral rolls, vide Ex. R-4 and the qualifying date for the revised electoral rolls for such an election was 1st January, 1970.

8. Now the question arises whether the Returning Officer was justified in rejecting the nomination paper of Shri Kamath as he had done, vide Ex. P-10, for the reasons mentioned therein. Shri Dharmadhihari, the learned counsel for the petitioner, has taken me through the relevant provisions of the Representation of the People Act, 1950, and also through the Registration of Electors Rules, 1960, and contended that the deletion of the name of Shri Kamath from the voters' list was without jurisdiction and void as no reasonable opportunity was given to Shri Kamath as required by the proviso to Rule 21-A of the 1960 Rules. He also urged that the order dated 2nd February 1971 (Ex. R-10) rejecting the application of Shri Kamath under section 23 of the Representation of the People Act, 1950, for inclusion of his name in the electoral roll was set aside by the Chief Electoral Officer, Maharashtra State, vide Ex. R-22, and it should be deemed that Shri Kamath was a voter from the date he filed his nomination paper along with Exs. P-6 and P-11 as the order of the Electoral Registration Officer, Nagpur (Ex. R-10) is *non est*. He further urged that the defect found by the Returning Officer was not of a substantial character and, therefore, he was wrong in rejecting the nomination paper. He cited in support of his contention the rulings reported in *Wopansao v. N. L. Odyuo* (A.I.R. 1971 S.C. 2123), *Baidyanath v. Sitaram* (A.I.R. 1970 S.C. 314) and *Kabul Singh v. Kundan Singh* (A.I.R. 1970 S.C. 340). Shri Chitale, learned counsel for the respondent, on the other hand has urged that, admittedly, Shri Kamath had not produced before the Returning Officer, either before or at the time of the scrutiny of the nomination paper, a copy of the electoral roll for the time being in force, that is, of 1970, and that being mandatory under section 33(5) of the Representation of the People Act, 1951, the Returning Officer was justified in rejecting the nomination paper of Shri Kamath, that being a defect of a substantial character. He also urged that the question whether Shri Kamath was an elector or not was not material when he had not followed the mandatory provisions of section 33(5) of the Act. He has cited in support of his contention the rulings reported in *Baru Ram v. Smt. Prasanni* (A.I.R. 1959 S.C. 93), *Ranjit Singh v. Pritam Singh* (A.I.R. 1966 S.C. 1828), *Narbada Prasad v. Chhaganlal* (A.I.R. 1969 S.C. 395) and *S. K. Singh v. V. V. Giri* (A.I.R. 1970 S.C. 2097—Para 229). He also further stressed that it was not necessary at the time of revision of the electoral rolls to give a personal notice to Shri Kamath and even assuming that such a notice was necessary and there was any non-compliance with the procedure, it does not affect the jurisdiction of the Electoral Registration Officer and, even though his action may be irregular, that will not make the officer's act *non est* though his order is liable to be set aside in appeal or by resorting to any other appropriate remedy. He has cited in support of his contention the rulings reported in *B. M. Ramaswamy v. B. M. Krishnamurthy* (A.I.R. 1963 S.C. 458), *P. R. Belgali v. B. D. Jatti* (A.I.R. 1971 S.C. 1348), *Baidyanath v. Sitaram* (A.I.R. 1970 S.C. 314), *Kabul Singh v. Kundan Singh* (A.I.R. 1970 S.C. 340) and *Wopansao v. N. L. Odyuo* (A.I.R. 1971 S.C. 2123). He also further urged that the provisions of the 1950 Act are self-

contained and anything done under the Act cannot be re-opened in this election petition. After having heard both the learned counsel and giving my careful attention to the contention raised before me, I am clearly of the view that the rejection of the nomination paper of Shri Kamath by the Returning Officer was justified and proper for the reasons I presently show.

9. Ex. R-4 is a letter dated 6th November, 1969 by the Election Commission of India issued to the Chief Electoral Officers of all the States and Union Territories for the revision of the electoral rolls under section 21 (2) (b) of the Representation of the People Act, 1950. It is mentioned therein that the revision of the electoral rolls will be undertaken partly intensively and partly summarily; as provided in Rule 25 of the Registration of Electors Rules, 1960. In paragraph 2 of this letter, it is further stated that the work of the enumerators will be completed within a period not exceeding 3 weeks and each enumerator will prepare two statements containing (i) names of persons who will not be less than 21 years of age on the 1st January, 1970 and (ii) persons who are dead or have ceased to be ordinarily resident in the constituency if any new residential unit has come up after the last revision of the electoral rolls, the eligible voters ordinarily residing in that unit will also be enumerated and a separate sub-number will be assigned to the unit. As soon as the statements are ready, they will be exhibited on the notice board of the Electoral Registration Officer under rule 21 and 21A of the Registration of Electoral Rules, 1960, for a period of not less than one week. Paragraph 3 of the letter gives the programme for the revision of the electoral rolls which is given below:

- (i) Publication of the existing rolls as draft rolls—15-11-1969 (Saturday).
- (ii) Period of lodging claims and objections—15-11-1969—30-11-1969.
- (iii) Preparation of statements under rule 21 and 21A by house to house enumeration—15-11-1969—7-12-1969.
- (iv) Publication of lists under rule 21 and 21A—7-12-1969—15-12-1969.
- (v) Disposal of claims and objections and statements under rule 21 and 21A—31-12-1969.
- (vi) Preparation of supplement either in print or in manuscript—1-1-1970—15-1-1970.
- (vii) Final publication of the electoral rolls—15-1-1970.

Ex. R-5 is another letter of the Election Commission of India dated 29th December, 1970 which says that the general election to the Lok Sabha to be held in February-March, 1971, will have to be conducted on the basis of the electoral rolls of 1970 prepared with reference to 1st January, 1970 as the qualifying date.

10. An 'elector' is defined in section 2(e) of the Representation of the People Act, 1951, as follows:

"(e) 'elector' in relation to a constituency means a person whose name is entered in the electoral roll of that constituency for the time being in force and who is not subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950 (43 of 1950)."

The words "for the time being in force" in this definition is important. Accordingly, for the mid-term election to the Lok Sabha for the year 1971, the electoral rolls for the purpose of this election were the revised rolls which were prepared in the year 1970. Part V, Chapter I, of the Representation of the People Act, 1951, deals with nomination of candidates,

Section 30 of the Act deals with the appointment of dates for the nomination etc. Section 31 deals with publication of the notice of election and section 32 deals with the nomination of the candidates for election. Sec. 33 deals with the presentation of the nomination paper and prescribes the requirements for a valid nomination. It would be relevant to refer to sub-section (4) and (5) of this section. Sub-section (4) provides that on the presentation of a nomination paper, the Returning Officer shall satisfy that the name and electoral roll number of the candidate and his proposer as entered in the nomination paper are same as those entered in the electoral rolls. The proviso to this sub-section requires the Returning Officer to permit clerical or technical errors to be corrected. Sub-section (5) deals with the stage of the scrutiny of the nomination papers and it provides that where a candidate is an elector of a different constituency, a copy of the electoral roll of that constituency, or the relevant part thereof or a certified copy of the relevant entry of such roll shall, unless it is filed along with the nomination paper, be produced before the Returning Officer at the time of the scrutiny. It is thus clear that when the stage of scrutiny is reached, the Returning Officer has to be satisfied that the candidate is an elector of a different constituency and for that purpose the statute has provided the mode of proof. Section 36(7) of the Act lays down that certified copies, which are required to be produced under section 33 (5), shall be conclusive evidence of the fact that the person referred to in the relevant entry is an elector of that constituency. In other words, the scheme of the Act appears to be that where a candidate is an elector of a different constituency, he has to prove that fact in the manner prescribed and the production of the prescribed copy has to be taken as conclusive evidence of the said fact. In the instant case, Shri Kamath has himself admitted that he did not produce before the Returning Officer either along with the nomination paper or at the time of scrutiny a copy of the electoral roll of 1970 which was relevant for the purpose of the mid-term election to the Lok Sabha. It is true that he had filed Exs. P-6 and P-11 which were not the copies of the electoral rolls of the constituency for the time being in force and it is manifest that Shri Kamath had not complied with the requirements as required by sub-section (5) of section 33 of the Act. Now the question arises as to what should be the consequence for such non-compliance. In *Jagan Nath v. Jaswant Singh* (A.I.R. 1964 S.C. 210), the Supreme Court observed as follows:

"The general rule is well settled that the statutory requirements of election law must be strictly observed and that an election contest is not an action at law or a suit in equity but is a purely statutory proceeding unknown to the common law and that the court possesses no common law power. It is also well settled that it is a sound principle of natural justice that the success of a candidate who has won at an election should not be lightly interfered with and any petition seeking such interference must strictly conform to the requirements of the law.

In *Nasir Ahmad v. King-Emperor* [A.I.R. 1936 P. C. 253(2)], their Lordship of the Privy Council have observed that where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all. See also *Secretary of State v. Mask & Co.* (A.I.R. 1940 P.C. 105). In *Baru Ram v. Smt. Prasanni* (A.I.R. 1959 S.C. 93 at page 100), their Lordship have observed that whenever the statute requires a particulars act to be done in a particular manner and also lays down that failure to comply with the said requirement leads to a specific consequence, it would be difficult to accept the argument that the

failure to comply with the said requirement should lead to any other consequence. In a similar case, the Supreme Court in *Kanjit Singh v. Pritam Singh* (A.I.R. 1966 S.C. 1626) has observed as follows:—

"Section 33 (5) requires that it is the copy produced by the candidate which should show whether he is quanned or not and for that purpose a copy produced by the candidate should be complete whether it is of the roll or of the relevant part thereof. To such a case, S. 36 (4) has no application. That provision is to the effect that the returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character."

Similarly, the Supreme Court in *Narbada Prasad v. Chhaganlal* (A.I.R. 1969 S.C. 395) justified the rejection of the nomination paper when the provisions of section 33(5) of the Act were not followed. See also *S. K. Singh v. V. V. Giri* (A.I.R. 1970 S.C. 2097).

It is not in dispute that, instead of filing a certified copy of the electoral roll for the time being in force, that is, of 1970, on the basis of which the present election in question was held, Shri Kamath had filed Exs. P-6 and P-11 which clearly showed that there was a non-compliance of the provisions of sub-section (5) of section 33 of the Act and the Returning Officer was justified in rejecting the nomination paper filed by him as it was not the duty of the Returning Officer to find out how and why the name of Shri Kamath was not present in the electoral roll of 1970.

11. Now two questions arise (1) whether there was any mistake of procedure in deleting the name of Shri Kamath from the revised roll of 1970 and (ii) whether this Court can go behind it and, if the proper procedure is not followed in the revision of the electoral rolls, what is its effect. The programme for the revision of the rolls as aforesaid is set out in Ex. P-4. The last date of final publication of the electoral rolls was 15th January, 1970 and it was extended by the Election Commission of India to 18th January, 1971. Shri Kamath applied for inclusion of his name in the electoral roll by a letter dated 27th January, 1971 which was received in the office of the Electoral Registration Officer, on 28th January, 1971. Ex. R-7 is the note-sheet of the Electoral Registration Officer, Nagpur. It shows that the whole procedure regarding the revision of the electoral rolls was followed by the Electoral Registration Officer and furthermore, the application filed for inclusion of the name was also not submitted by Shri Kamath in the prescribed form nor the prescribed fee was deposited. Ex. R-8 shows that the name of Shri Kamath was deleted as the report of the enumerator was that he had left his residence. Ex. R-10 is the order of the Electoral Registration Officer rejecting the application of Shri Kamath presented under section 23 of the Representation of the People Act, 1950 for inclusion of his name in the electoral roll which also shows that the lists, as per Rule 21-A of the Registration of Electors Rules, 1960, were prepared by house to house enumeration and, as Shri Kamath had left the house in Dhantoli ward, his name was, therefore, proposed to be deleted. The lists under Rule 21-A were duly published in the notice board of the Office of the Electoral Registration Officer and also of the Corporation Offices in Mahal area and the Civil Station. A copy of such list was supplied to the recognised political parties (in this case, the P.S.P.). No objection was raised and the deletion order was passed on 28th December, 1969. The Chief Electoral Officer, Maharashtra State in appeal passed an order on 13th April, 1971 setting aside the order of the Electoral Registration Officer on the ground that, in his opinion, a notice

should have been issued to Shri Kamath and he should have been heard. It is true that the electoral rolls in force in 1969 were taken as draft rolls for the purpose of rule 10 of the Registration of Electors Rules, 1960 and, as aforesaid, all the requirements of law and the instructions issued by the Election Commission of India (vide Ex. R-4) were followed. There is no evidence to show that any of the rules was not complied with. On a reading of the relevant rule 21-A and onwards, all that is provided is that an endeavour should be made to give a person, whose name is to be deleted on the basis that he is not ordinarily resident in the constituency, a reasonable opportunity to show cause why the action proposed should not be taken in relation to him. I do not think that a personal notice is contemplated by this rule. The required lists were published in the notice board of the Electoral Registration Officer as well as of the Corporation Officer and, as a matter of abundant caution, these lists were supplied to all the political parties including the party to which Shri Kamath belonged at the relevant time. Furthermore, assuming for argument that there was non-compliance of any of the provisions of the Rules, such a non-compliance cannot make the officer's act *non est*, though his order may set aside in appeal or by resorting to any appropriate remedy [See *B. M. Ramaswamy v. B. M. Krishnamurthy* (A.I.R. 1963 S.C. 458)]. It is also noteworthy that rule 23(4) of the Registration of Electors Rules, 1960, provides that every decision of an appellate order shall be final, but in so far as it reverses or modifies a decision of the Registration Officer, shall take effect only from the date of the decision in appeal. In the instant case, an appeal is provided in section 24 of the Representation of the People Act, 1950. It does not anywhere say that, if the appeal is allowed, the order will have retrospective effect as urged by Shri Dharmadhikari. So, I am clear in my mind that the order Ex. R-22 does not relate back in such a manner that, even if Shri Kamath had filed Exs. P-6 and P-11, it should be deemed as if he had filed an electoral roll for the year 1970 before the Returning Officer. Even assuming that there was any non-compliance of any of the provisions of the Rules of 1960, this question cannot be gone into in an election petition, as decided by the Supreme Court in *Wopansao v. N. L. Odyuo* (A.I.R. 1971 S.C. 2123). Their Lordships in paragraph 6 have observed as follows:—

"This Court in *Ramaswamy v. B. K. Krishnamurthy* (1963) 3SCR 479, held that the finality of the electoral roll cannot be challenged in a proceeding impeaching the validity of the election."

Shri Dharmadhikari has contended that, even though the Supreme Court has held that the finality of the electoral roll cannot be challenged, but still they decided the question on merits. This argument of Shri Dharmadhikari has no force. There were two questions before the Supreme Court for decision and the second question was whether any of the electors registered as service electors in the last part of the said Electoral Roll were not Indian citizens and this was the question their Lordships decided on merits and this decision is an authority for the proposition that the finality of the electoral roll cannot be challenged in a proceeding impeaching the validity of the election [See *P. R. Belagali v. B. D. Jatti* (A.I.R. 1971 S.C. 1348); *Baidyanath v. Sitaram* (A.I.R. 1970 S.C. 314) and *Kabul Singh v. Kundan Singh* (A.I.R. 1970 S.C. 340)].

12. It is clear from the above discussion that Shri Kamath did not file with his nomination paper or at the time of the scrutiny on 4th February, 1971 a copy of the electoral roll in force, that is, of 1970. On the

other hand, he filed Exs. P-6 and P-11 which are of no consequence. It is manifest, therefore, that there was a non-compliance with the provisions of subsection (5) of section 33 of the Act, and that defect being of a substantial character, the Returning Officer was correct in rejecting the nomination paper. I have also held that there was no non-compliance of any of the provisions of the Registration of Electors Rules, 1960, and, even assuming there may be one, the question cannot be gone into in this election petition and, furthermore, the order passed by the Chief Electoral Officer, vide Ex. R-22, has no retrospective effect. The result, therefore, is that the rejection of the nomination paper of Shri Kamath is justified and proper. The rulings cited by Shri Dharmadhikari, namely, *Wopansao v. N. L. Odyuo* (A.I.R. 1971 S.C. 2123) and *Baidyanath v. Sitaram* (A.I.R. 1970 S.C. 314), do not support the case of the petitioner as the above discussion shows and, on the other hand, they help the case of the respondent. As regards the ruling reported in *Kabul Singh v. Kundan Singh* (A.I.R. 1970 S.C. 340), it is distinguishable as the question in this decision was in respect of section 62 of the Representation of the People Act, 1951, relating to right to vote which is not the question involved in the present petition. Therefore, in view of the aforesaid discussion, I am clear in my view that the petitioner has failed to prove this issue and it is, therefore, decided against him.

13. Issue No. 2

This issue is not pressed by the petitioner. Therefore, it is decided against him.

14. Issue No. 3

This issue is also not pressed by the petitioner. This also stands decided against him.

15. Issue No. 9(a)

This part of the issue relates to the allegation made by the petitioner that the respondent hired jeeps Nos. HRG-2791 and HRG-2792 from R. C. Tiwari, resident of Delhi Cantt. at the rate of Rs. 100/- per day and the said two jeeps worked from 31st January, 1971 to 10th March, 1971 for election of the respondent and the latter had not included Rs. 7500/- the hiring charges for the said two jeeps. The petitioner in paragraph 8 of his statement has deposed that, as regards the allegation made in paragraph-9 (a) and (d) of his petition, the source of his information for the same was Shri D. P. Pathak, advocate, Narsimhapur, and he was only source, on this point. Shri Pathak has not entered the witness box though the petitioner was given an opportunity to examine him. R. C. Tiwari (P.W. 9) has also not said a word about the hiring of these two jeeps by the respondent for the purpose of his election. The respondent himself in paragraph 8 of his deposition has very clearly stated that he did not hire any jeep for his election work nor did he pay any hire charges for the jeeps Nos. HRG 2791 and HRG 2792. It is quite clear, therefore, that there is not an iota of evidence to show that the respondent had hired any of the two jeeps in question for the purpose of his election. The second part of this issue is based on the allegation made by the petitioner in paragraph 9 (d) of his petition to the effect that the respondent had purchased two jeeps Nos. DHA2621 and DHA3029 from the Director of Army Headquarters Master General of the Ordnance Branch, DHO P.O. New Delhi, for a sum of Rs. 7608/- in the name of Giriraj Higher Secondary School, Narsimhapur, and he had paid the amount himself and used them for his election purpose. It is further alleged that the respondent had also purchased from the Army Headquarters one jeep No. HRG 2660 for about 3000/- and used the same for his election but he had

not included its price in his return for election expenses. The respondent denied this allegation and averred that jeep No. HRG 2660 was purchased by one Sursingh in the middle of 1970 with which he had no concern while jeep No. DHA 3029 was purchased by any money for any of the Jeeps purchased by a founder Body Member and a Member of the Managing Committee of the Giriraj Higher Secondary School. He denied that he had paid any money for any of the Jeeps purchased as aforesaid. The petitioner himself has no personal knowledge about the purchase of these Jeeps. Shri R. C. Tiwari (P.W. 9) has deposed that he had deposited on 29th January, 1971 in the State Bank of India, Delhi Cantt. and also deposited Rs. 4000/- for one vehicle 'Nishan Jonga' and taken delivery of three vehicles in the month of January, 1971. The release order is Ex. P-4. He has also stated in paragraph 6 of his deposition that the respondent had given him a letter Ex. P-12 for the release of three Jeeps in the capacity of a Manager and Correspondent of the aforesaid school. He has also admitted that the authority letter was also given by him in that capacity and the amount in question was also deposited by him on behalf of the aforesaid school. It is clear, therefore, that the three Jeeps were purchased from the Army Headquarters for the purpose of Giriraj Higher Secondary School. The respondent himself in paragraph 9 of his statement deposed that he did apply in the capacity of a Manager and Correspondent of the aforesaid school for allotment of vehicles from the Army Vehicle Depot and his application for such vehicles is Ex. P-26. As regards the vehicle No. DHA 3029 it was financed by Shri S. L. Verma whose name is mentioned in Ex. R-30 as a member of the Governing Body of the school. Shri S. L. Verma (R.W. 4), who is a retired Commissioner (I.A.S.), has deposed that he gave Rs. 4000/- to the respondent for purchase of a Jeep from the Army Headquarters which he wanted to use for himself as well as for the purpose of the school. From his statement, it is clear that ultimately this Jeep was not found in running condition and was left at Itarsi and is still there. Some parts were to be imported but they have not been available so far. Vishwanath Singh (R.W. 5) has deposed that he purchased two Jeeps for the purpose of the school. He is also the founder Member of the said school and he paid Rs. 8000/- to the respondent. He himself gave the declarations for the two Jeeps in question, vide Exs. P-3 and R-31. The respondent himself in paragraph 15 of this statement has clearly deposed that he had not paid any money for the purchase of the vehicles DHA 3029 and DHA 2660. In paragraph 18, he has again said that he had no connection with the vehicle HRG 2660 which is registered in the name of one Sursingh of Gurgoan. He has also testified that Rs. 4000/- were paid by Shri S. L. Verma for the purchase of the Vehicle DHA 3029 and he had not paid for this Vehicle. From this evidence, it is quite clear that three Jeeps were purchased from the Army Headquarters through the respondent, one Shri S. L. Verma and the rest of the two for Vishwanath Singh (R.W. 5). Both these witnesses have stated that they had paid the amount for the vehicles they had purchased. Shri Dharmadhikari has stressed that Shri C. V. Vaidya (P.W. 5), who is an Advocate of Narsimhapur and is now working as a Manager and Correspondent of the school, has stated that no Jeep had been placed at the disposal of the school nor the school authorities have purchased any Jeep and, therefore, the evidence led by the respondent should not be relied upon. This contention has no force. It is amply proved that Shri S. L. Verma (R.W. 4) and Vishwanath Singh (R.W. 5) both are the Founder Member of the Giriraj Higher Secondary School. Both of them have stated on oath that they had purchased the Jeeps and

paid the amount. There appears no reason why their testimony should not be relied upon when they appear to me to be reliable. It is true that whatever Shri Vaidya had stated is correct in the sense that no Jeep had so far been placed at the disposal of the school as the school property, but this does not mean that the Jeeps in question were not purchased by Shri S. L. Verma (R.W. 4) and Vishwanath Singh (R.W. 5) respectively when there is ample evidence to prove this fact. It is worthy of note that Shri Vaidya had stated that Shri S. L. Verma had expressed a desire to purchase a Jeep in the meeting of the Executive Committee of the school which finds support from the statement of the respondent, himself, in paragraph 12 of his statement. It goes to show that the talk about the purchase of the Jeep had taken place a long time before it could be imagined that there would be a mid-term parliamentary election. There is no evidence, on the other hand, to show that the money paid for the purchase of the Jeeps was paid by the respondent in his personal capacity. On this point, R. C. Tiwari (P.W. 9) has clearly stated that whatever the respondent did for the purchase of the Jeeps in question, he did for the purchase in the capacity of a Manager and Correspondent of the school. Furthermore, there is no evidence to show that these Jeeps were used in the election of the respondent as alleged by the petitioner. The respondent himself in paragraph 7 of his deposition has clearly stated that the Central Congress Committee had sent one Jeep HRG 2660 for the purpose of election work and he had nothing to do with this Jeep personally. Whenever any Jeep was used, he had mentioned it in his election return Ex. P-1. The statement of the respondent is trustworthy and there is nothing on record to prove the allegation made by the petitioner in this regard as required by law. The result, therefore, is that this issue is decided in favour of the respondent and against the petitioner.

16. Issue No. 12

This issue is not pressed. Therefore, this is decided against the petitioner.

17. Issue No. 10(a)

The respondent has denied the commission of the corrupt practice as alleged against him by the petitioner in paragraph 11 of his petition. It is not in dispute that the symbol of 'Calf' and 'Cow' was allotted to the party of the respondent by the Election Commission of India. Now the only question that requires for decision is whether this symbol is a religious symbol. It will be proper to reproduce here section 123(3) of the Representation of the People Act, 1951:

"123. The following shall be deemed to be corrupt practice for the purpose of this Act:—

- (3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of or appeal to religious symbols or the use of, or appeal to national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election any candidate."

The petitioner, in order to prove this issue, has examined himself Poonamchand Kothari (P.W. 6) and Rosansingh Dhauraulia (P.W. 7) and the respondent has examined himself. The petitioner in paragraph 2 of his statement has deposed that cow is taken as 'Gau Mata' by the Hindus and they worship the same. He has further stated that the Hoshangabad Parliamentary constituency is mostly populated by cultivators who are Hindus and cow is considered with

great respect throughout the constituency. He has further deposed that the tail of the cow is given in hands of the dying person with a view that he may be able to cross the *Baitarani* river safely. In paragraph 9 of his statement, he has said that he has not seen any temple in India dedicated to calf and cow and that he has not read any religious book regarding the worship of calf and cow and what he has been doing is by *Sanskar* and others are also doing the same. He has further admitted in paragraph 10 that the cultivators do celebrate a festival known as *POLA* and whatever cattle the cultivators possess in the form of animal wealth, all are worshipped on that day,—it may be bullock or a she-buffalo. Poonamchand Kothari (P.W. 6) has also stated that Narsimhapur district is mostly populated by Hindus and they take cow is *Gau Mata* and worship her. According to him, the Hindus also think that cow is an abode of *Devatas* (Deities) and some time the Hindus, when on death bed, donate a cow as a gift with the idea that the dying man will go to heaven. He has further stated that cow is an abode of 33 crores of deities. On Court questions, he has stated that *Bahi Khatas* are also worshipped on Diwali day. Earth is also worshipped. Weapons are also worshipped, on *Dasehra* day, and horses and elephants are also worshipped. Roshansingh Dhauraulia (P.W. 7), who is the president of the Goraksha Samiti of Narsimhapur district, has deposed that cow is considered equal to God, Shri Ramchandrajai, Shri Krishnaji and Shri Shankar and his statement is also to the effect that cow is worshipped. He has also admitted that, on *pola* festival, bullocks are worshipped and that Rajputs worship their weapons and Mahajans worship their *bahi khata* and so on and so forth. This is all the evidence that the petitioner has led to prove that 'calf and cow' is a religious symbol. This sort of evidence is of no consequence because the symbol of 'calf and cow' allotted to the respondent was an election symbol. In the case of the Hindu religion, it is not possible to associate a particular symbol with religion as is the case of the 'Cross' with Christianity. The use of a symbol, even though it may be associated with some deity, cannot be without showing that it has the attributes of a religion be regarded as a corrupt practice within the meaning of section 123(3) of the Representation of the People Act, 1951.

18. Shri Dharmadhikari has cited before me Encyclopedia of Religion and Ethics, Vol. 4, page 224, wherein sanctity of the cow is discussed. He has also cited Encyclopedia Britannica, Vol. I at page 984, about animal worship which mentions as follows:—

"Most animals, birds and reptiles figure, in one way or another, in the religious and magical symbolism of mankind, some (e.g. serpents) more frequently than others. But whereas animals play a large in the ritual practice of many primitive religions and in the symbolism of some of the more highly developed (e.g. Hinduism), actual worship animals as incarnations or representations of the divine being or power are extremely rare."

He has also referred to the Encyclopedia Americana, Vol. 8 page 133, History of Dharmasastra by Shri P. V. Kane, page 545 and *Narbada Prasad v. Chhaganlal* (A.I.R. 1969 S.C. 395) where their Lordship have observed that the cow is venerated in our country by the vast majority of the people and they believe not only in its utility but its holiness. Shri Chitale, learned counsel for the respondent, on the other hand has invited my attention to paragraph 15 of my decision on this question in *Bhartendra Singh v. Ramsahai Pandey and 5 others* (Election Petition No. 1 of 1971 decided on 12th October, 1971) wherein I have held

that the symbol of 'calf and cow' is not a religious symbol. In order to appreciate the contention raised by the learned counsel of both sides, it will be proper to refer to some of the rulings on the point and then decide whether in the light of the evidence on record, an offence of corrupt practice as alleged in the election petition, has been made out as required by law.

19. In *Shubhnath v. Ram Narain* (A.I.R. 1960 S.C. 148) which was an appeal from the decision of the Patna High Court, reported in *Ram Narain Prasad v. Sobnath* (A.I.R. 1960 S.C. 566), the returned candidate was an Adivasi, belonging to the Ho community. The electors in this constituency largely belonged to Adivasi community. The symbol chosen by the party was a 'Cock' recognised by the Election Commission of India, and the question was whether a 'Cock' was, a religious symbol. Their Lordships of the Supreme Court, keeping in view the ceremonies performed by the Adivasis while worshipping their important deities used 'cock' for such ceremonies, held that on the facts of that case, 'cock' was not a religious symbol though it was an instrument for the worship of their deities, and it was further held that on the basis of the pamphlet in question, an appeal was made on the basis of religion.

20. In *Ramanbhai v. Dabhi Ajitkumar* (A.I.R. 1965 S.C. 669), which was an appeal from the decision of the Gujarat High Court, reported in *Ramanbhai v. Dabhi Ajitkumar* (A.I.R. 1963 Gujarat 315), their Lordship of the Supreme Court, wherein the question was whether 'Star' (Dhurv) was a religious symbol answered the question in negative and observed as follows:—

"A reference to prophets or religions or to deities venerated in a religion or to their qualities and deeds does not necessarily amount to an appeal to the religious sentiment of the electorate. Something more has to be shown for this purpose. If, for instance, the illiterate, the orthodox or the fanatical electors are told, that their religion would be in danger or they will suffer miseries or calamities unless they cast their vote for a particular candidate, that would be quite clearly an appeal to the religious sentiment of the people. Similarly, if they are told that the wrath of God or of a deity will visit them if they do not exercise their franchise in a particular way or if they are told that they will receive the blessings of God or a deity if they vote in a particular way, that would be an appeal to the religious sentiment. Similarly, if they are told that they should cast their vote for a particular candidate, whose election symbol is associated with a particular religion just as the 'Cross' is with Christianity, that will be using a religious symbol for obtaining the votes. But where as the case of the Hindu religion, it is not possible to associate a particular symbol both religion, the use of a symbol, even when it is associated with some deity, cannot, without something more, be regarded as a corrupt practice with the meaning of sub-section (3) of S. 123 of the Act. For instance, a particular object or a plant, a bird or an animal associated with a deity is used in such a way as to show that votes are being solicited in the name of that deity or as would indicate that the displeasure of that deity would be incurred if a voter does not re-act favourably to that appeal, it may be possible to say that this amounts to making an appeal in the name of religion. But the symbol standing by itself cannot be regarded as an appeal in the name of religion."

(The underlining is mine).

21. In *Karansingh v. Jamuna Singh* 15 E.L.R. 370-1959 Allahabad 427), the question for decision was, whether a portrait of 'Mahatma Gandhi' was a

national symbol. Their Lordships of the Allahabad High Court, while dealing with the definition of a symbol, as well as what should be the National symbol, observed as follows:

"It appears to us that, in considering the main question whether the portrait of Mahatma Gandhi is a national symbol or not, the meaning of the word 'symbol', which can appropriately be applied, is only that under which it must appear that this portrait presents something national by some natural fitness and that it would also be an emblem. If there is no fitness at all between what the portrait actually is and what it represents, it would be very difficult to hold that it is a national symbol."

(15 E.L.R. at p. 376)

22. In *Jagdev Singh v. Pratap Singh* (A.I.R. 1965 S.C. 183), the question came up before their Lordships of the Supreme Court to the effect whether 'Om' flag was a religious symbol or does it in any way symbolise religion. Their Lordships in paragraph 10 of their judgment have made the following observations which have a great bearing on the question under discussion:—

"The expression—'Om'—is respected by the Hindus generally and has a special significance in the Hindu scriptures. It is recited at the commencement of the recitations of Hindu religious works. Macdonell in his 'A Practical Sanskrit Dictionary' states that 'Om' is the sacred syllable used in invocations, at the commencement of prayers, at the beginning and the end of Vedic recitations, and as a respectful salutations; it is a subject of many mystical speculations. In the Sanskrit-English Dictionary by Monier-Williams, it is said that 'Om' is a sacred exclamation which may be uttered at the beginning and end of a reading of the Vedas or previously to any prayers; it is also regarded as a particle of auspicious solutions. But it is difficult to regard 'Om' which is a preliminary to an incantation or to religious books, as having religious significance. 'Om', it may be admitted, is regarded as having high spiritual or mystical efficacy it is used at the commencement of the recitations of religious prayers. But the attribute of spiritual significance will not necessarily impart to its use on a flag the character of a religious symbol in the context in which the expression religious symbol occurs in the section with which we are concerned. A symbol stands for or represents something material or abstract. In order to be a religious symbol, there must be a visible representation of a thing or concept which is religious. To 'Om' high spiritual or mystical efficacy is undoubtedly ascribed; but its use on a flag does not symbolise religion, or anything religious."

(The underlining is mine).

23. In the instant case, in order to prove corrupt practice under sub-section (3) of section 123 of the Representation of the People Act, 1951, it is necessary for the petitioner to prove that the symbol allotted to the respondent was a religious symbol and, accordingly, it must be used in the manner contemplated by the aforesaid section. Once it is shown that the symbol in this case was allotted as an election symbol, its mere use will not attract the provisions of sub-section (3) of section 123 of the Act. In the case of a Hindu religion, as aforesaid, it is not possible to associate a particular symbol with religion. When a particular object or a plant, a bird or an animal associated with a deity is used in such a way as to show

that votes were being solicited in the name of that deity or as would indicate that the displeasure of that deity would be incurred if the voter does not react favourably to that appeal, it may be possible to say that this amounts to making an appeal in the name of religion. But the symbol, standing by itself, cannot be regarded as an appeal in the name of religion. It is no doubt true that cow is an object of great veneration and it may be associated with some deity, but unless it is shown that the election symbol, which was allotted to the respondent, had the characteristics or attributes which go to make it a religious symbol, the election symbol by itself will not be a religious symbol. The election symbol of the respondent, as it stands does not point out anything about its godliness or holiness and, that being absent, I am clear in my mind that the elections symbol of 'calf and cow' allotted to the respondent was not a religious symbol.

24. Issue No. 10(b)

The petitioner has not shown nor pressed that there was any non-compliance of the provisions of the Constitution of India or of the Representation of the People Act and the Rules made thereunder as alleged by him in paragraph 11 of the petition. There is also no material on record to point out that there was any non-compliance of any of the provisions aforesaid. This issue is, therefore, decided against the petitioner and in favour of the respondent.

25. As the petitioner has failed to prove any of the issue he is not entitled to any relief. In the result, the petition filed by the petitioner is dismissed with costs. Counsel's fee Rs. 500/-.

(Sd.) SURAJBHAN,
Judge.
2-12-1971.

ELECTION PETITION NO. 2 OF 1971

Shri Shital Prashad Mishra v. Shri Nitiraj Singh Choudhury

ORDER

on Issue Nos. 4, 5, 6, 7, 8, 11(d) and 13(b).

Issue No. 4:—

Shri K. A. Chitale, the learned counsel on behalf of the respondent, has rightly conceded that it was not necessary to make Khushilal as a party to the petition.

2. Section 82 of the Representation of the People Act, 1951 (hereinafter called the Act), enjoins on the petitioner to make all the contesting candidates as respondents only where the petitioner, in addition to claiming the declaration that the election of all or any of the returned candidate is void, further claims that he himself or any other candidate had been duly elected. Where, however, no such further declaration is claimed, all the returned candidates are not to be impleaded as respondents. Clause (b) of this section further says that any other candidate against whom allegations of corrupt practices are made shall also be joined as respondent in an election petition. In paragraph 6 of the election petition, the petitioner has only said that at the time of the scrutiny, Khushilal's nomination paper was accepted while on the same ground that of Shri Kamath was rejected. There is no allegation of any corrupt practice against Khushilal and so it was not necessary to join him as one of the respondents to the petition.

3. This issue is, therefore, decided in favour of the petitioner and against the respondent.

Issue No. 5

4. Shri Chitale has taken me through the verification made by the petitioner at the foot of the petition

and argued that the source of information as regards paragraphs 8, 9, 9(a) to 9(f), 10, 12 and 14 of the petition have not been disclosed, which ought to have been done. He has cited in support of his contention the rulings reported in *State of Bombay v. Purushottam Jog Naik* (A.I.R. 1952 S.C. 317, para 16), *Barium Chemicals Ltd., and another v. Company Law Board* (A.I.R. 1967 S.C. 295, para 57) and *Murarka Radhey Shyam Ram Kumar v. Roop Singh Rathore and others* (A.I.R. 1964 S.C. 1545 (paras 8 and 14)).

5. Shri L. S. Baghel on the other hand urged that the verification of the petition done by the petitioner is in accordance with the provisions of Code of Civil Procedure.

6. Section 83C of the Representation of the People Act, 1951 says that an election petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of the pleadings. Order r. 15(2) which deals with verification of the pleadings clearly says that the person verifying shall specify by reference to the numbered paragraphs of the pleadings what he verifies from his own knowledge and what he verifies upon information received and believed to be true. The petitioner in his verification of the petition has said that he verified the contents of paragraphs 1 to 7, 8 (a), 11, 13, 15 to 17 as true to his personal knowledge and those in paragraphs 8, 9, 9(a) to 9(f), 10, 12 and 14 are true to his information received from others and believed to be true. The object of verifying is to fix on the party verifying the responsibility for the statements that he makes. It is true that the court is bound to see in every case that the pleadings are verified in the manner prescribed as the verification is not treated as a formality. I have pursued the verification in question in the instant case, and in my view, it is proper, and I am supported in my view by the ruling of the Supreme Court in *Bhikaji Keshao Joshi v. Brijlal Nandlal Bijani* (A.I.R. 1955 S.C. 610).

7. The rulings cited by Shri Chitale relate to the verifications of affidavits which are different from a verified pleading.

8. As the verification is proper, this issue is decided in favour of the petitioner and against the respondent.

Issue No. 6.

9. Shri Baghel has rightly admitted that the affidavit filed by the petitioner is defective. Proviso to S.83 of the Act enjoins on the petitioner that whenever he alleges any corrupt practice, he shall file an affidavit in the prescribed form in support of the allegations of such corrupt practice and the particulars thereof. The form prescribed for the purpose is No. 25 by the Conduct of Election Rules, 1961. It should be borne in mind that the provisions of section 83 are not mandatory as their non-compliance is not made penal vide S. 86 of the Act. This filing of an affidavit was inserted in S.83 by Act No. 40 of 1961 and the intention of the legislature in adding this Proviso to sub-section (1) of S.83 was that the petitioner should realise the seriousness of making an allegation as regards corrupt practice and if he makes a false allegation, he could be made liable for perjury. I must say that the provisions of 0.19 r.3 of the Code of Civil Procedure must be strictly followed. 0.19 r.3 of the Code of Civil Procedure clearly says that affidavit shall be confined to such facts as the deponent is liable of his own knowledge to prove except on interlocutory applications on which the statements of his belief may be admitted provided that the grounds thereof are stated.

10. The petitioner should therefore, file a fresh affidavit in the light of the observations made above and the issues stands decided accordingly.

Issue No. 7.

11. Shri Chitale has rightly conceded that the petitioner is elector No. 27 in the Hoshangabad Parliamentary Constituency and he is competent as such to file an election petition. The issue is, therefore, decided accordingly.

Issue No. 8.

12. Shri Chitale has rightly conceded that the election petition filed by the petitioner is not time-barred, and it is not in dispute that the result of the election was declared by the Returning Officer on 10th March, 1971 and the election petition was filed on 24th April, 1971. Reading S.81 of the Act along with section 67-A thereof, the election petition has been filed within 45 days from the date of election of the returned candidate, and therefore, this issue is decided in favour of the petitioner and against the respondent.

Issue No. 11(d).

13. Issue No. 11(a) was framed on the allegation made by the petitioner in paragraph 12 of the petition which says that the respondent being a Vice-president of the Central Co-operative Bank, Narasimhapur took advantage of his position and got a new jeep purchased during the elections which was used for election purposes. It is further alleged that under his instructions, Shri Govind Prasad Tiwari, Marketing Officer toured the whole of the Constituency on this jeep and distributed and stayed the recovery of the loans due from the debtors of the Bank. This allegation in a nut-shell is that of an indirect bribery under S.123-A of the Act.

14. The respondent has only admitted that he is the Vice-President of the Central Cooperative Bank, but denied the rest of the allegations, and also averred that the allegations made in this paragraph are not in accordance with the provisions of S.83 of the Act.

15. Shri Chitale has invited my attention to paragraph 29 of the judgement of the Supreme Court in *Samant N. Balakrishna etc. v. George Fernandez and others* (A.I.R. 1969 S.C. 1201) and the relevant provisions of the Act, and contended that the material particulars are lacking for this allegation, which were necessary for the opposite party to understand the case which he was required to meet.

16. Shri Baghel has rightly conceded that the allegation in question lacks in material particulars. Under sub-section (1) of S.83 of the Act, it is essential that a brief and clear statement of the material facts on the basis of which the election has to be challenged must be stated in the petition. It is also required under the same section that in case a corrupt practice is alleged, full particulars of the same should be given. The material facts are those which go to make out the petitioner's case and confirms a charge against the respondent. These particulars should be as full as possible giving therein the names of the parties alleged to have committed such corrupt practice and the date and the place of the commission of each of such practice and the reason for the same is obvious that it was the intention of the legislature to ensure that the petition should be bonafide one, based on specific corrupt practices. The petitioner has not mentioned in paragraph 12 of the petition as to who were the persons concerned, and what place, and who were advanced the loans, and in whose case the recovery of the loans was stayed for the purpose of securing votes for the respondent. The dates are also not mentioned therein, and there is also no mention of the amounts involved. Unless these full particulars as required by S. 83 of the Act, are supplied, this allegation of bribery cannot be gone into.

17. Issue No. 11(d) is, therefore, decided against the petitioner and in favour of the respondent.

Issue No. 13(b)

18. Issue No. 13 was framed on the allegation made by the petitioner in paragraph 13 of his petition. It says that the workers of the respondent had carried on false proponanda against Shri Dwarakaprasad Pathak, a contesting candidate, and for this purpose they had affixed posters wherein it was questioned,—66.

The respondent has denied this allegation in paragraph 18 of his written statement and averred that this allegation suffers from lack of material particulars.

19. Shri Baghel has very clearly and candidly admitted that material particulars are necessary for this allegation. It was necessary for the petitioner to give the particulars of the contents of the posters, places they were affixed and the dates on which this was done, and the names of the persons who did the same. Unless that is done, this corrupt practice cannot be enquired into.

20. This issue is, therefore, decided against the petitioner and in favour of the respondent.

(Sd.) SURAJEIAN,
Judge.
21-7-1971.

ELECTION PETITION No. 2 OF 1971

Shitalprasad Mishra, aged 44 years, son of Shri Shivprasad Mishra, Advocate, resident of Itarsi, Tahsil and District Hoshangabad.—
Petitioner.

Versus

Shri Nitiraj Singh Choudhary, aged 62 years, son of Choudhary Daulatsingh, State Minister, Union Government, New Delhi.—*Respondent.*

Shri L. S. Baghel }
Shri N. C. Jain } *Counsel for the petitioner.*

Shri K. A. Chitale }
Shri J. S. Verma }
Shri C. P. Sen }
Shri T. C. Naik } *Counsel for the respondent*
Shri P. C. Naik }
Shri P. P. Naolekar }
Shri R. K. Pandey }
Shri R. P. Verma }

ORDER

(on issue No. 9(b))

Issues 9(a) and (b) are the result of the allegations made by the petitioner in paragraph 9 of his election petition to the effect that the respondent has incurred or had authorised more expenditure than the limit prescribed, and in sub-paragraphs (a) to (f) of the petition, he has given the instances to show that the expenditure in regard to those items has not been included in the return of the election expenses.

2. It is not in dispute that this allegation suffers from lack of material particulars. It will be proper to say here that Shri Baghel, the learned counsel for the petitioner, though rightly conceded that sub-paragraphs (b), (c), (e), and (f) of paragraph 9 of the petition do suffer from lack of material particulars but he added that he is not in a position to supply the same and the result of it would, be, that the sub-paragraphs (b), (c), (e), and (f) of paragraph 9 of the petition are struck off, and these allegations will not come up for trial.

3. As regards paragraphs 9(a) and 9(d) of the petition the petitioner has filed an application under section 86(5) of the Representation of the People Act

1951 (herein-after called the Act), read with Order 6, rule 17 of the Code of Civil Procedure, for amendment. The respondent has filed a detailed reply to oppose the application on the ground that both these paragraphs did not set forth full particulars of the corrupt practice, including a full statement as far as possible of the names of the parties who are alleged to have committed such corrupt practice and the date and the place of its commission, as required by the mandatory provisions of S. 83(b) of the Act. It is also said that the application is belated and not *bona fide*. It is further alleged that it is a new instance which is sought to be introduced by way of amendment and the petitioner cannot have a fishing and roving enquiry.

4. Shri Baghel, the learned counsel for the petitioner, has contended before me that in paragraph 9(a) of the petition, it is alleged that the respondent used 24 jeeps for his election purposes, and in his return of the election expenses, he has included only the expenses of the petrol required for them but not their hire charges. The charge for exceeding the prescribed limit of expenses is contained in paragraph 9 of the petition and now the petitioner wants to confine his allegation to the two jeeps only, the material particulars of which now he wants to amplify by way of amendment, which is neither a new charge nor anything foreign to the allegations already contained in the petition, and therefore, the amendment can be allowed under the law. For this he has relied on the ruling in *D. P. Mishra v. Kamal Narayan Sharma and another* [1970 (2) Supreme Court Cases 369].

5. Shri J. S. Verma, the learned counsel on behalf of the respondent, on the other hand, urged that the case cited by Shri Baghel is not applicable to the facts of the present case, in as much as, what the petitioner wants to amend now was within his knowledge at the time when he filed the petition. He had known the numbers of the jeeps, but he failed to mention them. He also stressed that a new charge was being brought by way of amendment and that could not be allowed, and in support of his contention, he cited the rulings in *A. K. Gupta and Sons Ltd. v. Damodar Valley Corporation* (AIR 1967 SC 96), *Mannabhai Nandlal Amersin v. Popatlal Manilal Joshi and others* (AIR 1969 SC 734) and *Samant N. Balakrishna etc. v. George Fernandez and other* (AIR 1969 S.C. 1201).

6. After hearing the learned counsel for both the parties on the question of amendment and on giving my careful consideration to the contentions raised before me, I am of the opinion that the amendment should be allowed.

7. Sections 100 and 101 of the Act deal with the grounds for declaring an election to be void. S. 83 deals with the contents of the petition. Clause (a) of S. 83 lays down that an election petition shall contain a concise statement of the material facts on which the petitioner relies. In other words, it is essential that a brief and a clear statement of the material facts on the basis of which an election has to be challenged must be stated in the petition. Of course, it is to be verified just in the manner as the pleadings are verified under the Code of Civil Procedure. S. 83(b) deals with a situation when a corrupt practice is alleged, and it enjoins that full particulars of the same should be furnished, including as full a statement as is possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such corrupt practice. The reasons for this are obvious, that the charges of corrupt practice are quasi criminal in character and the allegations relating thereto must be sufficient clear and precise to bring home charges to the candidate. S. 86(5) of the Act deals with amendment of the election petition. It says that a court may allow the particulars of any corrupt

practice alleged in petition to be amended or amplified in such a manner as may in its opinion be necessary to ensure a fair and effective trial of the petition but shall not allow any amendment of the petition which will have the effect of introducing the particulars of corrupt practice not previously alleged in the petition. The language used by the legislature is very clear, and so far as the question of amendment of the election petition is concerned, the law is well established by the ruling cited above of the Supreme Court, and the *ratio decidendi* of these ruling is, that an amendment can be allowed provided the fact which constitutes corrupt practice must be stated and the fact must be co-related to one of the heads of corrupt practice. In other words, if the material facts of the corrupt practice are stated, more or better particulars of the charge may be given later, but where the material facts themselves are lacking, it is impossible to think that the charge has been made or can be later amplified. It may also be mentioned that if the corrupt practice is already alleged new instances can be added, but a new charge cannot be allowed to be added by way of amendment after the period of limitation for filing an election petition is over. The court is competent to refuse an amendment application when it is not *bona fide* one, or if it is related or is of such a kind that it appears to be a sort of patch-work.

8. Now the question that arises is, whether the amendment sought to be made by the petitioner should or should not be allowed in this case.

9. The election petition in this case was filed by the petitioner on 24th April, 1971, the written statement was filed by the respondent on 29th June, 1971, issues were framed on 30th June, 1971, and the amendment application was filed on 20th July, 1971. So it cannot be said that the application for amendment (I.A. 12 of 71) is belated. The corrupt practice, as aforesaid, is regarding the excess expenses incurred for election by the respondent in contravention of the limit prescribed for the same, and it amounts to corrupt practice under S.123 (6) read with S.77 of the Act. The allegation is that 24 jeeps were used for the election work by the respondent. He has included only the petrol expenses but not the hire charges. Now the petitioner wants to confine himself to two hired jeeps only, their numbers being HRG 2791 and HRG 2792, which were said to be hired from Shri R. C. Tiwari, a resident of the Delhi Cantonment, at the rate of Rs. 100/- per day, and they were used on hire from 31st January, 1971 to 10th March, 1971, and the expenses said to be incurred were Rs. 7800/-. It is pertinent to note that the allegations that hire charges were not included are already there in clause (a) of para 9 of the petition relating to the corrupt practice. It cannot, therefore, be said that the petitioner by way of the proposed amendment, as aforesaid, wants to add a new ground to the corrupt practice not already disclosed in his petition, and in my view, he is only seeking to furnish particulars of the corrupt practice already set out in paragraph 9 of the petition. Merely because he has not given the numbers of the jeeps, that will not mean that the amendment application is not *bona fide* one. The same is the case regarding sub-paragraph (d) of paragraph 9 of the petition. It is true that the petitioner has mentioned in this paragraph that two jeeps were purchased and used during the election, and now by way of amendment he has said that these two jeeps were purchased from the Director of the Army Services. Their numbers and prices are also given in the material particulars sought to be supplied. The allegation in paragraph 9 (d) is that the respondent had purchased the same. It is not a case where in the election petition, the petitioner had said that it was purchased by somebody else and now he wants to amend that they were purchased by the

respondent. Had that been the position, the amendment would not have been allowed, but that is not the case. I am clear in my mind that when the corrupt practice is already pleaded in the petition, and when lacks in material particulars, such particulars can be supplied later on in order to have a fair and effective trial of the petition as envisaged by clause (5) of S.36 of the Act. This issue, is decided accordingly.

(Sd.) SURAJBHAN,
Judge.
9-8-71.

IN THE HIGH COURT OF MADHYA PRADESH,
JABALPUR.

BEFORE HON'BLE SHRI JUSTICE SURAJBHAN

ELECTION PETITION No. 2 OF 1971

Shri Sital Prasad Mishra—Petitioner

V.

Shri Nitiraj Singh Choudhary—Respondent.

ORDER

(On Int. Application No. 21 of 1971)

Shri L. S. Baghel, learned counsel for the petitioner, and Shri J. S. Verma, learned counsel for the respondent, heard.

2. The application relates to the deletion and modification of certain issues framed in the case in light of the orders already passed.

Re. Issue 9.

2 By my order dated 9th August, 1971, I decided that sub-paragraphs (b), (c), (e), and (f) of paragraph 9 of the election petition shall not come up for trial as Shri Baghel was unable to supply the material particulars, and issue No. 9 is accordingly amended today so that the parties may now confine their evidence to sub-paragraphs (a) and (d) of para 9 of the petition.

Re. Issue 10.

3. As regards Issue No. 10, it was framed on the allegation made by the petitioner in paragraph 11 of his petition. In a nut shell it meant, that 'cow and calf' symbol being a religious symbol, its allotment to the respondent had religious appeal in it, which had materially affected the result of the election, and the allotment was thus in violation of the provisions of the Representation of the People Act, 1951 (hereinafter called the Act) and the Conduct of Election Rules, 1961 (hereinafter called the Rules).

4. Shri Verma, the learned counsel for the respondent, stressed that in this allegation it is nowhere said that the respondent had made an appeal to the voters on the basis of this symbol, and the only allegation made is about its allotment, and further, it has not been specified, as to what provisions of the Constitution, or of the Representation of the People Act, 1951 or the rules framed thereunder were violated and the issue, therefore, should be deleted because of the vagueness of the allegation.

5. Shri L. S. Baghel, the learned counsel for the petitioner has, on the other hand, urged that this allegation is covered by Section 100 (1) (d) (iv) of the Act, and therefore, the objection raised on behalf of the respondent is not proper.

6. The grounds for setting aside the election are detailed in S.100 and 101 of the Act. Corrupt practices are defined in S. 123. The allegation, as it exists in para 11 of the petition is not covered by S.123 (3) of the Act. It is no doubt true that para 11 of the petition is not properly worded. The gist of the allegation made boils down to this, that the allotment of 'cow and calf' symbol had a religious appeal, with

the result that it had violated the provisions of the Constitution, as well as the Act and the rules made thereunder.

7. It is no doubt true that if it is proved under S.100 (1) (d) (iv) that there had been any non-compliance with the provisions of the Constitution or the Act or the Rules or orders made thereunder, the High Court shall declare the election of the returned candidate to be void. But as it is left vague and not made clear as to what provisions of the Constitution, or of the Representation of the People Act, or the rules made thereunder have not been complied with, it will not be possible to proceed further for the decision of this issue, and unless this omission is supplied, the opposite party would not be in a position to properly defend the allegation.

8. It is, therefore, ordered that the petitioner should, within a week's time, amend paragraph 11 of the election petition, only to the extent as to make clear as to what provisions of the Constitution or the Representation of the People Act or the rules made thereunder, have not been complied with or violated, and the respondent also, if he so desires, should file his reply in writing within a week's time after the amendment is made. In case, however, this is not done within a week's time, the issue (i.e. issue No. 10) shall be considered as struck off.

Re. Issue No. 11.

9. As regards this issue, it was decided by me on 21st July, 1971, that the allegation in para 12 of the election petition suffers from lack of material particulars.

10. Shri Baghel submitted that he is not in a position to supply the material particulars, and so, it has become necessary to strike off the whole of this issue and I order accordingly.

Re. Issue No. 12.

11. This issue was framed on the basis of the allegations made in para 14 of the petition. It says that Rs. 1000/- were paid by the respondent to the Akhada in Jagdishpura Ward of the Hoshangabad town in about end of January or the beginning of February, 1971, by way of bribe with a view to secure for the respondent votes of the members of the Akhada.

12. The reply of the respondent to this allegation is contained in para 19 of the written-statement. He has denied the allegation and averred that Rs. 1000/- were arranged by the respondent as a donation on the request made by the people of Hoshangabad and the money was sent to the Collector, Hoshangabad, for the purpose.

13. Looking to para 14 of the election petition as it exists, I do not think it suffers from the lack of material particulars, and therefore, this issue (No. 12) as it is framed is proper, and Shri Verma's objection is rejected.

Re. Issue No. 13

14. As regards issue No. 13, it was decided by me by my order dated 21st July 1971 to the effect that para. 13 of the petition suffers from lack of material particulars. Today Shri Baghel submitted that he was not in a position to supply the requisite material particulars, it is ordered that issue No. 13 shall be struck off.

Re. Issue No. 14.

15. Issue No. 14 was framed on the basis of the allegation made in paragraph 15 of the election petition. It only says that the question whether the respondent belonged to the National Congress or not after the split of the Indian National Congress into

two parties, is pending before for decision before the Supreme Court, and the respondent, therefore, could not be a member of the Indian National Congress, and by claiming to be so, he had committed a corrupt practice.

16. As aforesaid, S.123 of the Representation of the People Act, 1951, defines corrupt practices, and this is not the kind of corrupt practice covered by the said section, and therefore, this allegation is neither governed by the definition of any of the corrupt practice nor by the provisions of section 100 and 101 of the Act. Consequently, this allegation cannot go for trial, and issue No. 14 is ordered to be struck off.

(Sd.) SURAJBHAN,
Judge.

30-8-1971.

[No. 82/MP/2/72.]

By Order,

K. S. RAJAGOPALAN, Secy.

MINISTRY OF WORKS AND HOUSING
(Works Division)

New Delhi, the 21st March, 1972

S.O. 1049.—In exercise of the powers conferred by clause (b) of sub-section (1) and sub-section (2) of section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951), the Central Government hereby nominates Shri M. G. Pimputkar, Acting Lt. Governor of Delhi to be an official member of the Rajghat Samadhi Committee and also appoints him as the Chairman of the said Committee in the place of late Shri A. N. Jha.

The Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Works, Housing and Supply No. 19/2/62-WI, dated the 22nd August, 1962, namely:—

In the said notification, for the name of "Shri A. N. Jha" in the two places where it occurs, the following shall be substituted, namely:—

"Shri M. G. Pimputkar".

[No. 25012(3)/66-W.III.]

B. M. LAL, Dy. Secy.

(Directorate of Estate)

New Delhi, the 7th April 1972

S.O. 1050.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being gazetted officer of Government, to be estate officer for the purposes of the said Act, and the said officer shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in the corresponding entry in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public Premises and local limits of jurisdiction.
(1)	(2)
1. Deputy General Manager (General), Northeast Frontier Railway	Premises under the administrative control of the Northeast Frontier Railway situated within the jurisdiction of Gauhati, Pandu, Maligaon and Aminagaon.

[No. 21011 (4)/66-pol. IV]

निर्माण और आवास मंत्रालय

(संपदा निदेशालय)

नई दिल्ली, 7 अप्रैल, 1972

एस०ओ० 1050.—लोक परिसर (अनधिकृत दखलकारों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार नीचे दी गयी सारणी के कालम (1) में उल्लिखित अधिकारी को सरकार के राजपत्रित अधिकारी होने के ताते एतद्द्वारा उक्त अधिनियम के प्रयोजन के लिए, सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के कालम (2) में तदनु रूप प्रविष्टि में निर्दिष्ट लोक परिसरों के सम्बन्ध में अपने-अपने क्षेत्राधिकार की स्थानीय सीमाओं के भीतर उक्त अधिनियम के द्वारा या अधीन सम्पदा अधिकारियों की प्रदत्त शक्तियों का प्रयोग करेगा और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पद नाम	लोक परिसर का वर्ग और क्षेत्राधिकारी की स्थानीय सीमाएं
(1)	(2)
1. उप महाप्रबन्धक (सामान्य गुवाहाटी, पाण्डु, मालीगांव और पूर्वोत्तर) सीमा रेलवे।	असीन गांव के क्षेत्राधिकार में स्थित पूर्वोत्तर सीमा रेलवे के प्रशासनिक नियंत्रण के अधीन परिसर।

[सं० 21011(1)/66-पोल 4]

S.O. 1051.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers of the International Airports Authority of India mentioned in Column 1 of the table below, being the officers of equivalent rank of the gazetted officers of Government to be estate officers for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said table.

THE TABLE

Designation of Officers	Categories of public premises and local limits of jurisdiction
(1)	(2)
Directors of Airports, Delhi (Palam), Bombay (Santa Cruz), Calcutta (Dum Dum) and Madras (Meenambakkam).	Premises belonging to or taken on lease by and under the administrative control of the International Airports Authority of India situated within the local limits of their respective jurisdiction.

[No. F. 21012(1) 72-Pol. IV]

का० आ० 1051.—लोक परिसर (अनधिकृत अधिभोगियों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा भारत के अन्तर्राष्ट्रीय विमानपत्तन प्राधिकारी के निम्नलिखित तालिका के स्तम्भ I में उल्लिखित अधिकारियों को, उनके भारत सरकार के राजपत्रित अधिकारियों के समकक्ष दर्जे के होने के कारण, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है, और वे उक्त तालिका के स्तम्भ 2 में तत्संबंधी प्रविष्टियों में विनिर्दिष्ट लोक परिसरों के संबंध में अपने अपने अधिकार-क्षेत्र की स्थानीय सीमाओं के भीतर उक्त अधिनियम के अधीन अथवा द्वारा सम्पदा अधिकारियों को प्रदान की गयी शक्तियों का प्रयोग तथा अधिरोपित किये गये कर्तव्यों का निर्वाह करेंगे।

तालिका

अधिकारियों की पद नाम	लोक परिसरों के वर्ग तथा अधिकार-क्षेत्र की स्थानीय सीमाएं
1	2
दिल्ली (पालम), बम्बई (सन्ताक्रूज), कलकत्ता (दम दम) तथा मद्रास (मीनमबक्कम) विमानपत्तनों के निदेशक।	इन निदेशकों के अपने-अपने अधिकार-क्षेत्र की स्थानीय सीमाओं के भीतर स्थित परिसर, जिनका कि "भारत का अन्तर्राष्ट्रीय विमानपत्तन प्राधिकारी" स्वामी हो, अथवा जो उसके द्वारा पट्टे पर लिये गये हैं एवं उसके प्रशासनिक नियंत्रण में हों।

[सं० एन 21012(1)/72-पी०ओ०एल०-4]

S.O. 1052.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of late Works, Housing and Supply, No. S.O. 1104, dated the 7th May, 1959, namely:—

In the said notification, in the Table, the entry against item No. 4 in column 1 shall be omitted.

[No. F. 21011(4)/66-Pol. IV.]

का० आ० 1052.—लोक परिसर (अनधिकृत अधिभोगियों की वेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के भूतपूर्व संकर्म, आवास और पूति मंत्रालय की अधिमूचना संख्या का० आ० 1104 तारीख 7 मई, 1959 में एतद्द्वारा निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिमूचना में, सारणी में, स्तम्भ 1 में मद सं० 4 के सामने की प्रविष्टि लुप्त कर दी जाएगी।

[सं० का० 21011(4)/66-पी० ओ० एल०-4]

S.O. 1053.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Health and Family Planning and Works, Housing and Urban Development (Department of Works, Housing and Urban Development), No. S.O. 4192, dated the 7th October, 1969 namely:—

In the said notification, in the Table, for the entry in column 1, the following entry shall be substituted, namely:—

“Deputy Director, Indian Botanic Garden, Sibpore, Howrah.”

[No. F. 21011(4)/66-Pol V.]

का० आ० 1053.—लोक परिसर (प्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के भूतपूर्व स्वास्थ्य और परिवार नियोजन तथा संकर्म, आवास और नगर विकास (संकर्म, आवास और नगर विकास विभाग) मंत्रालय की अधिसूचना संख्या का० आ० 4192, तारीख 7 अक्तूबर, 1969, में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिसूचना में, सारणी में, स्तम्भ 1 में की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात्—

“उपनिदेशक, भारतीय वनस्पति, उद्यान, शिवपुर, हावड़ा।”

[सं० फा० 21011(4)/66-पी० ओ० एल० -4]

S.O. 1054.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below being an officer equivalent to the rank of gazetted officer of Government to be estate officer for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act, within the limits

of his jurisdiction in respect of the public premises specified in column (2) of the said Table:—

THE TABLE

Designation of the officers	Categories of public premises and the limits of jurisdiction
(1)	(2)
Finance and Development Officer, Punjab University Chandigarh.	Premises belonging to or taken on lease by and under the administrative control of the Punjab University, Chandigarh, situated within the revenue limits of Chandigarh district.

[No. F. 21012(5)/67-P L.IV]

P. N. KHANNAH,

Dy. Director of Estates and ex-officio Under Secy.

इस० प्र० 1054.—सरकारी अहाता (अनधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) के अनुच्छेद 3 द्वारा प्राप्त अधिकारों के प्रयोग में केन्द्रीय सरकार, इसके द्वारा निम्नलिखित सारणी के कालम (1) में सूचित अधिकारी को, जिसका पद सरकार के राज्यपत्रित अधिकारी के बराबर है, उपर्युक्त अधिनियम के द्वारा या अधीन भू-सम्पदा अधिकारी नियुक्त करती है। इसके अधिकार-क्षेत्र की स्थानीय सीमाओं में उपर्युक्त सारणी के कथित अनुलेख के कालम (2) में विशेष रूप से उल्लिखित सरकारी अहाते होंगे:—

सारणी

अधिकारी का पद नाम	सरकारी अहातों की कोटि और अधिकार-क्षेत्र की स्थानीय सीमायें
(1)	(2)
वित्त तथा विकास अधिकारी, पंजाब यूनिवर्सिटी, चंडीगढ़।	चंडीगढ़ जिला की भूमिकर सीमाओं के अन्तर्गत, पंजाब यूनिवर्सिटी के प्रशासनिक नियंत्रण में आने वाले यूनिवर्सिटी के अपने अथवा पट्टे पर लिए गए अहाते।

[सं० फा० 21012/(5) 67-पी० ओ० एल० -4]

पी० एन० खन्ना,

उप-निदेशक सम्पदा तथा पदेन अनुसचिव।

